


1974

16. Book IV, Vol. 5: Events following the Watergate break-in, March 22, 1973 -April 30, 1973 (events relating to the President's investigation of the alleged Watergate break-in and cover-up between March 22 and April 30, 1973).

Don Edwards

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Edwards, Don, "16. Book IV, Vol. 5: Events following the Watergate break-in, March 22, 1973 -April 30, 1973 (events relating to the President's investigation of the alleged Watergate break-in and cover-up between March 22 and April 30, 1973)." (1974). *Watergate Hearings*. Book 16.

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66. On April 16, 1973 from 8:58 to 9:14 p.m. the President spoke by telephone with Henry Petersen. Petersen gave the President a report. The President said he would not pass the information on because he knew the rules of the Grand Jury.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

66.1 Summary of White House edited transcript of a telephone conversation between the President and Henry Petersen from 8:58 to 9:14 p.m. on April 16, 1973, prepared by the House Judiciary Committee staff.

66.2 President Nixon daily diary, April 16, 1973, Exhibit 21, In re Grand Jury.

67. On April 17, 1973 from 9:47 to 9:59 a.m. the President met with H. R. Haldeman. The President instructed Haldeman to tell Kalmbach that LaRue was talking freely. There was discussion of the problem raised by Dean's efforts to get immunity.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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- 67.1 Summary of White House edited transcript of a conversation between the President and H. R. Haldeman from 9:47 to 9:59 a.m., April 17, 1973, prepared by House Judiciary Committee staff.
 - 67.2 President Nixon daily diary, April 17, 1973, Exhibit 48, In re Grand Jury.

68. On or about April 17, 1973 John Ehrlichman had telephone conversations with Charles Colson, White House aide Ken Clawson, and former CRP campaign director Clark MacGregor. Ehrlichman asked Colson and Clawson about their recollections regarding Dean's allegations that Ehrlichman had told Dean to destroy documents from Hunt's safe and to order Hunt to leave the country. During the course of their conversation, Colson and Ehrlichman discussed nailing Dean by seeing that he not get immunity. Each of these conversations was tape recorded by Ehrlichman.

- 68.1 Transcript of a telephone conversation between John Ehrlichman and Clark MacGregor, SSC Exhibit No. 107, 7 SSC 3007-08.
- 68.2 Tape recording of a telephone conversation between John Ehrlichman and Ken Clawson (received from SSC) and House Judiciary Committee transcript thereof.
- 68.3 Tape recording of a telephone conversation between John Ehrlichman and Charles Colson (received from SSC) and House Judiciary Committee transcript thereof.

69. On April 17, 1973 at 10:26 a.m. Gray met with Petersen in Gray's office. Gray has testified that he admitted to Petersen that he had received files from Dean in Ehrlichman's office and told Petersen that he had burned the files without reading them. Petersen told Gray that the assistant U. S. attorneys would want him before the grand jury. During the afternoon of April 17 Petersen told the President that Gray had admitted destroying documents he received from Dean.

- 69.1 L. Patrick Gray log, April 17, 1973 (received from SSC).
- 69.2 L. Patrick Gray testimony, 9 SSC 3471.
- 69.3 Henry Petersen testimony, 9 SSC 3624-26.
- 69.4 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 26-27 (received from Watergate Grand Jury).
- 69.5 White House edited transcript of a conversation between the President and Henry Petersen from 2:46 to 3:49 p.m., April 17, 1973, 38-40.

70. On April 17, 1973 from 12:35 to 2:20 p.m. the President met with H. R. Haldeman and John Ehrlichman. Ronald Ziegler joined the meeting from 2:10 to 2:17 p.m. There was a discussion about what to do about Dean and what Dean might say if he were fired; about the motive for making payments to the defendants; about what Strachan would say concerning intelligence material received from Magruder; and about whether Dean had reported to the President in the summer of 1972. There was also discussion of a press plan.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

70.1 President Nixon daily diary, April 17, 1973,
Exhibit 48, In re Grand Jury.

70.2 Summary of White House edited transcript of a conversation among the President, H. R. Haldeman, John Ehrlichman and Ronald Ziegler from 12:35 to 2:20 p.m. on April 17, 1973, prepared by House Judiciary Committee staff.

71. On April 17, 1973 from 2:39 to 2:40 p.m. the President had a telephone conversation with John Ehrlichman. There was a discussion of what the President would say to Petersen about immunity for top White House staff members.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

71.1 President Nixon daily diary, April 17, 1973, Exhibit 48, In re Grand Jury.

71.2 Summary of White House edited transcript of a telephone conversation between the President and John Ehrlichman from 2:39 to 2:40 p.m., April 17, 1973, prepared by House Judiciary Committee staff.

72. On April 17, 1973 from 2:46 to 3:49 p.m. the President met with Henry Petersen. There was a discussion about whether Petersen had passed grand jury information to Dean and about whether Dean would be granted immunity. The President read to Petersen a proposed press statement and Petersen stated the difficulties which would be posed by a statement that the President opposed granting immunity to high White House officials. Petersen told the President that Gray had admitted receiving from Ehrlichman and Dean documents unrelated to Watergate taken from Hunt's safe. Petersen said that Gray said he had burned these documents without reading them.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

72.1 President Nixon daily diary, April 17, 1973,
Exhibit 48, In re Grand Jury.

72.2 Summary of White House edited transcript of a conversation between the President and Henry Petersen from 2:46 to 3:49 p.m., April 17, 1973, prepared by House Judiciary Committee staff.

73. On April 17, 1973 from 3:50 to 4:35 p.m. the President met with H. R. Haldeman, Ronald Ziegler and John Ehrlichman. The President described his conversation with Petersen. There was a discussion of whether Haldeman and Ehrlichman should take leaves of absence. The President went over the text of the statement he was about to give.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

73.1 President Nixon daily diary, April 17, 1973,
Exhibit 48, In re Grand Jury.

73.2 Summary of White House edited transcript of a conversation among the President, H. R. Haldeman, Ronald Ziegler and John Ehrlichman from 3:50 to 4:35 p.m., April 17, 1973, prepared by House Judiciary Committee staff.

74. On April 17, 1973 from 4:42 to 4:45 p.m. the President issued a public statement containing two announcements. The President first announced that White House personnel would appear before the Senate Select Committee, but would reserve the right to assert executive privilege during the course of questioning. He then reported that on March 21 he had begun intensive new inquiries into the whole Watergate matter and that there had been major developments in the case. The President stated he had expressed to the appropriate authorities his view that there should be no immunity from prosecution for present or former high Administration officials. The President said that those still in government would be suspended if indicted and discharged if convicted.

74.1 President Nixon statement, April 17, 1973,
9 Presidential Documents 387.

75. On April 17, 1973 the President met in his EOB office with William Rogers from 5:20 to 6:19 p.m. and with H. R. Haldeman and John Ehrlichman from 5:50 to 7:14 p.m. The President briefed Rogers on his investigation and his discussion with Petersen. There was a discussion of whether Haldeman, Ehrlichman and Dean should resign and of Dean's testimony against Haldeman and Ehrlichman. Haldeman and Ehrlichman reported on their conversation with John Wilson, a criminal attorney who had been recommended by Rogers. There was a discussion of what Dean had told Kalmbach about the purpose of the money he was asked to raise.

In response to the Committee's subpoena for the tape recording and other evidence of the President's conversations of April 17, 1973 from 5:50 to 7:14 p.m., the President has produced an edited transcript of the recording of his conversations from 5:20 to 7:14 p.m. A summary of that transcript has been prepared.

75.1 President Nixon daily diary, April 17, 1973, Exhibit 48, In re Grand Jury.

75.2 Summary of White House edited transcript of a conversation among the President, William Rogers, H. R. Haldeman and John Ehrlichman from 5:20 to 7:14 p.m., April 17, 1973, prepared by House Judiciary Committee staff.

76. In April 1973 former and present White House aides and CRP officials were interviewed by the prosecutors or called before the Watergate Grand Jury. These included E. Howard Hunt, Gordon Liddy, Jeb Magruder, Gordon Strachan, Richard Moore, Dwight Chapin, Herbert Kalmbach, James McCord, Fred LaRue, Herbert Porter, John Mitchell, Charles Colson and John Dean.

- 76.1 Transcript of a telephone conversation between John Ehrlichman and Herbert Kalmbach, April 19, 1973, SSC Exhibit No. 77, 5 SSC 2215-17.
- 76.2 Transcript of a telephone conversation between John Ehrlichman and Charles Colson, April 17, 1973, SSC Exhibit No. 109, 7 SSC 3010-11.
- 76.3 United States v. Chapin Indictment, November 29, 1973.
- 76.4 United States v. Mitchell Indictment, March 1, 1974, Counts 5 and 13.
- 76.5 Jeb Magruder testimony, 2 SSC 808.
- 76.6 John Dean testimony, 3 SSC 1009.
- 76.7 Richard Moore testimony, 5 SSC 2059.
- 76.8 Fred LaRue testimony, 6 SSC 2298.
- 76.9 In re Grand Jury Proceedings Docket.
- 76.10 Herbert Porter testimony, 2 SSC 637.

77. On April 18, 1973 the President had telephone conversations with Henry Petersen from 2:50 to 2:56 p.m. and from 6:28 to 6:37 p.m. Petersen has testified that the President told him that Dean said he had been granted immunity and the President had it on tape, and that Petersen denied that Dean had been granted immunity. Petersen told the President that the prosecutors had received evidence that Gordon Liddy and E. Howard Hunt had burglarized the office of Dr. Fielding, Daniel Ellsberg's psychiatrist. The President told Petersen that he knew of that event; it was a national security matter; Petersen's mandate was Watergate; and Petersen should stay out of the Fielding break-in. The President told Petersen that the prosecutors should not question Hunt about national security matters. After this telephone call, Petersen relayed this directive to Silbert.

In response to the Committee's subpoena for the tape recording and other evidence of the telephone conversations between the President and Petersen from 2:50 to 2:56 p.m. and from 6:28 to 6:37 p.m., the President has produced an edited transcript of the conversation from 2:50 to 2:56 p.m., during which the President and Petersen discussed immunity for Dean and Magruder. A summary of that transcript has been prepared. The President has informed the Committee that the telephone call from 6:28 to 6:37 p.m. was placed from Camp David and was not recorded.

77.1 President Nixon daily diary, April 18, 1973,
Exhibit 49, In re Grand Jury.

- 77.2 Summary of White House edited transcript of a telephone conversation between the President and Henry Petersen from 2:50 to 2:56 p.m., April 18, 1973, prepared by House Judiciary Committee staff.
- 77.3 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 73-75 (received from Watergate Grand Jury).
- 77.4 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 12-14, 19-20 (received from Watergate Grand Jury).
- 77.5 Henry Petersen testimony, 9 SSC 3630-31, 3654-56.
- 77.6 President Nixon statement, August 15, 1973, 9 Presidential Documents 993.
- 77.7 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1020.
- 77.8 John Dean testimony, 3 SSC 1019-20.

78. On April 19, 1973 John Dean issued a public statement declaring in part that he would not become a scapegoat in the Watergate case. He added that anyone who believed that did not know the true facts nor understand our system of justice. Following Dean's statement, Stephen Bull of the President's White House staff checked with the Secret Service agent in charge of the White House taping system to determine if Dean knew about the existence of the taping system. The agent replied that as far as the Secret Service knew Dean had no such knowledge.

- 78.1 John Dean testimony, 3 SSC 1020.
- 78.2 New York Times, April 20, 1973, .1, 11.
- 78.3 Stephen Bull testimony, In re Grand Jury, January 18, 1974, 2544-46.
- 78.4 Louis Sims testimony, In re Grand Jury, January 17, 1974, 2447-48.

79. On April 19, 1973 the President met with Richard Moore. They discussed the President's public statement of April 17 and the fact that on March 20, 1973 Dean and Moore discussed Dean's telling the President about the Watergate matter. Moore has testified that the President said that he had told Dean that to raise money for the Watergate defendants was not only wrong but stupid. Moore told the President that Dean had shown him a list of individuals who might be indicted, and that Dean had said that Ehrlichman's problem might be involved with the Ellsberg case. The President responded that the White House investigation of Ellsberg had to be done because J. Edgar Hoover could not be counted on as he was a close friend of Ellsberg's father-in-law.

79.1 Richard Moore testimony, 5 SSC 1961-62, 1982-83.

79.2 President Nixon daily diary, April 19, 1973,
Exhibit 50, In re Grand Jury.

80. On April 19, 1973 from 8:26 to 9:32 p.m. the President met with John Wilson and Frank Strickler, attorneys for H. R. Haldeman and John Ehrlichman. There was a discussion of the case against Haldeman and Ehrlichman.

The Committee has requested the tape recording and other evidence of this conversation. The President has provided an edited transcript of that recording. A summary of that transcript has been prepared.

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- 80.1 President Nixon daily diary, April 19, 1973, Exhibit 50, In re Grand Jury.
 - 80.2 Summary of White House edited transcript of a conversation among the President, John Wilson and Frank Strickler from 8:26 to 9:32 p.m., April 19, 1973, prepared by House Judiciary Committee staff.

66. On April 16, 1973 from 8:58 to 9:14 p.m. the President spoke by telephone with Henry Petersen. Petersen gave the President a report. The President said he would not pass the information on because he knew the rules of the Grand Jury.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

66.1 Summary of White House edited transcript of a telephone conversation between the President and Henry Petersen from 8:58 to 9:14 p.m. on April 16, 1973, prepared by the House Judiciary Committee staff.

66.2 President Nixon daily diary, April 16, 1973, Exhibit 21, In re Grand Jury.

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 16, 1973, 8:58 P.M. to 9:14 P.M.

The President had a telephone conversation with Assistant Attorney General Henry Petersen from 8:58 to 9:14 p.m. on April 16, 1973. The President asked if there had been any developments that he ought to know about and told Petersen "of course, as you know, anything you tell me, as I think I told you earlier, will not be passed on." Petersen replied that he understood, and the President said, "Because I know the rules of the Grand Jury." (p. 1)

Petersen told the President that LaRue had been in and that he was "rather pitiful." Petersen told the President that LaRue had told John Mitchell that it was "all over." Petersen said that LaRue admitted "to participating in the (unintelligible) and obstruction of justice" and admitted being present, as Dean said he was, at the third meeting, the budget meeting. The President asked Petersen "Who was present at that meeting Henry? I don't know." Petersen replied that LaRue and Mitchell were present. The President responded that he seemed to have missed that meeting and asked Petersen if Dean was at that meeting. Petersen replied that Dean told them about that meeting in Florida, but that Petersen was not quite certain whether or not Dean was present. The President said, "[O]h, I heard about a meeting, but I think you told me about that." (pp. 1-2)

Petersen said that LaRue was reluctant to say that Mitchell specifically authorized the budget for the electronic eavesdropping at that point, but that Petersen thought he was going to come around. Petersen said that LaRue had admitted that it could not have been activated without Mitchell's approval. (p. 2)

Petersen told the President that the prosecutors did not get to O'Brien or Strachan that day. He said that Strachan had retained Colson's partner as his lawyer, but the U. S. Attorney's office objected, so Strachan got another one and would be back the next day. (p. 3)

The President questioned Petersen about LaRue's telling Mitchell that it was all over, asking when he had done that. Petersen told the President that it had been just recently, within the past two days. (p. 3)

Petersen then raised "an additional detail" on Ehrlichman beyond what he had discussed with the President earlier in the day. Petersen told the President that Liddy confessed to Dean on June 19 that he was present in the Watergate and that Dean then told Ehrlichman. (p. 3)

Petersen told the President that Colson was present with Dean and Ehrlichman when Ehrlichman advised about telling Hunt to get out of town. Therefore, Colson would be called before the Grand Jury. With respect to Haldeman, Petersen told the President that Mitchell had requested Dean to activate Kalmbach for payments of money after June 17. Dean had said he did not have authority and went to Haldeman, who gave him the authority, and Dean then got in touch with Kalmbach to arrange for money. Petersen said that Kalmbach would also be called as a grand jury witness. (p. 4)

Petersen said that these were the only additional developments.

The President asked him what the situation was with regard to negotiations with Dean and Magruder. The President said that he was "[t]rying to get the timing, you see, with regard to whatever I say." Petersen told the President that Magruder's lawyers were very much concerned about Judge Sirica and wanted it ironed out first that Magruder would not go to jail before the rest of them if he confessed. Petersen said Titus would probably handle a meeting with Judge Sirica, but that it had to be very delicately handled because Sirica "is apt to blast us all publicly." Petersen told the President that Magruder's lawyers were not so much concerned about Ervin, and the President agreed because "the Ervin thing will become moot in my opinion." (pp. 4-6)

Petersen said that the other concern of the prosecutors was how to charge Magruder. He told the President that they did not feel they ought to put Haldeman and Ehrlichman in the indictment as unindicted co-conspirators, but they were afraid not to because if they didn't and it got out, "it is going to look like a big cover-up again." Petersen told the President that anyone named in the indictment as an unindicted co-conspirator would in all probability be indicted later on. He said that a secondary issue was whether they would have enough corroboration to make those statements. Petersen told the President, in response to questions, that Mitchell would be named and that it would be done in open court. Petersen said Judge Sirica would interrogate the defendant, as was his habit. If he interrogated Magruder, that would bring out the facts concerning Haldeman and Ehrlichman, Petersen told

the President, "and if we haven't mentioned them or included them in the conspiracy charge, then we are all going to have a black eye." Petersen said that these were the things they were trying to work out, and in response to a question by the President said that he doubted it would be done the next day. (pp. 6-8)

The President then inquired about the negotiations with Dean. Petersen said they were still tying down facts with Dean and wanted to get as much as they could. Petersen told the President that they were trying to get enough facts to make the decision on immunity and that it depended on how much of what Dean told them they could corroborate. The President asked, "If you can't corroborate enough then he doesn't get off, is that it?" Petersen replied that was right, they couldn't very well immunize him and put him head to head against a witness who was going to beat him. The President asked if Dean's people were playing it pretty tough with the prosecutors, Petersen replied in the affirmative, and the President said, "I guess we'd do that too, I suppose I prefer them to do that." (pp. 8-9)

The President then returned to the subject of June 19, and Petersen again said Dean reported that Liddy confessed to Dean and Dean told Ehrlichman. The President responded, "Hump -- that's new fact isn't it?" Petersen agreed that it was and said that it was a terribly important fact because no disclosure was made by either Dean or Ehrlichman. The President asked when Dean had said this, and Petersen said he was not quite sure. The President said

that Dean didn't tell him that, and that was the thing that discouraged him; it was a key fact that Dean should have told him. Petersen agreed. (pp. 9-10)

The President asked again about Haldeman, and Petersen repeated that the principal thing he wanted to point out to the President was that Dean went to Haldeman to get authority to go to Kalmbach, who thereafter took care of the money. The President said that he knew about the \$350,000 fund, but didn't know "how it all went." Petersen said that it developed as money over which Haldeman exercised control, that the money was delivered to LaRue to be used for payments, at least a portion of it. The President said that he thought Haldeman would say that was true, but that Kalmbach should be asked. Petersen said that the money went to LaRue instead of to the Committee directly; LaRue apparently did not give a receipt and Haldeman had requested it. The President said that LaRue was loosely a member of the Finance Committee, and that Haldeman had told him it went to LaRue who was a member of the Committee or of Stans' committee. The President said that he didn't know, but that Petersen ought to check it out. (pp. 10-12)

The President then asked Petersen if there would be anything before the Court the following day. Petersen said that he did not think so and affirmed that the following day they would just continue to develop the evidence. The President said that therefore no statement would be in order at the present time. The President said that they had decided against a statement that day because he thought it would possibly jeopardize the prosecution. Petersen suggested that it would probably raise more questions than it answered,

and the President agreed, saying that they didn't want to say anything "until -- like if there has been a big break in the case and everybody starts--" (pp. 12-13)

Petersen then told the President that he had a call from a reporter for the Los Angeles Times who said they had a report out of the White House that two or three people at the White House were going to be thrown to the wolves. Petersen said he had told the reporter he couldn't tell him anything about it and would neither confirm nor deny it. Petersen said he mentioned it "only because its --" and the President interrupted to say, "It's beginning to get out. Yeah." The President asked Petersen if the information came from the U. S. Attorney's Office, but Petersen said he doubted it because he had not told them. (p. 13)

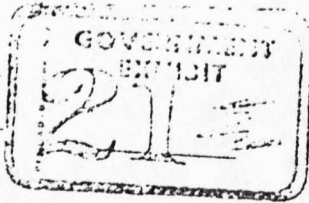
The President again asked how Colson was involved and whether he would be called. As the conversation ended the President told Petersen to call him, even if it was the middle of the night, if anything came up, and Petersen agreed to do so. (p. 14)

THE WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)

APRIL 16, 1973

TIME DAY

12:08 a.m. MONDAY

TIME

PHONE
P Placed
R Received

ACTIVITY

In Out Lo LD

12:08	12:23	P		✓ The President talked with his Assistant, H. R. Haldeman.
8:18	8:22	P		✓ The President talked with his Assistant, John D. Ehrlichman.
8:26		P		✓ The President talked with his Special Assistant, Stephen B. Bull.
8:27		P		The President telephoned Staff Assistant Thomas Hart. The call was not completed.
8:29				The President went to the first floor private dining room.
8:29	9:24			The President held a breakfast meeting with Speaker of the House Carl B. Albert (D-Oklahoma).
9:24				The President went to the Oval Office.
9:50	9:59			✓ The President met with: Mr. Ehrlichman Mr. Haldeman
10:00	10:40			✓ The President met with his Counsel, John W. Dean III.
10:50	11:04			✓ The President met with: Mr. Haldeman Mr. Ehrlichman
11:04				The President, accompanied by Secretary of Labor Peter J. Brennan, went to the South Grounds of the White House.
11:04	11:11			The President and Secretary Brennan motored from the South Grounds of the White House to the Washington Hilton Hotel.
				The President was greeted by Robert A. Georgine, Secretary-Treasurer of the Building and Construction Trades Department of the AFL-CIO.
				The President went to the Cabinet Room in the Washington Hilton. He was accompanied by: Secretary Brennan Mr. Georgine
				The President greeted general presidents of union affiliates comprising the Building and Construction Trades Department of the AFL-CIO. For a list of attendees, see <u>APPENDIX "A."</u>

Source: Nixon #77-73 In re Grand Jury Proceedings

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 16, 1973

THE WHITE HOUSE
WASHINGTON, D.C.

TIME DAY

11:11 p.m. MONDAY

TIME		PHONE P - Placed R - Received		ACTIVITY
In	Out	In	Out	
				<p>The President addressed delegates attending the National Legislative and Safety Conference of the Building and Construction Trades Department of the AFL-CIO. For a list of head table guests, see <u>APPENDIX "B."</u></p> <p>Members of the press, in/out</p> <p>White House photographer, in/out</p> <p>The President returned to his limousine. He was accompanied by Secretary Brennan</p> <p>Mr. Georgine</p> <p>White House photographer, in/out</p>
11:48	11:55			The President motored from the Washington Hilton Hotel to the South Grounds of the White House.
11:57				The President returned to the Oval Office.
12:00	12:31			The President met with Mr. Haldeman.
12:31	12:39			<p>The President met with:</p> <p>Dr. John Norris, retired Associate Medical Director of Eastman-Kodak and Chairman of the Board of Trustees of Alcoholics Anonymous (AA)</p> <p>Robert Hitchins, General Manager of AA General Service Office</p> <p>Tom Pike, member of the National Advisory Council on Alcoholism</p> <p>Caspar W. Weinberger, Secretary of HEW</p> <p>James H. Cavanaugh, Staff Assistant</p> <p>White House photographer, in/out</p> <p>The President received the one millionth copy of the "Alcoholics Anonymous" book.</p>
12:40	12:57			<p>The President met with:</p> <p>Roy D. Hickman, President of Rotary International</p> <p>W. Richard Howard, Special Assistant</p> <p>White House photographer, in/out</p> <p>Mr. Hickman presented the President with the Paul Harris Fellow Award in recognition of the President's efforts to promote world understanding.</p>
12:58	1:37			The President met with his Press Secretary, Ronald L. Ziegler.
1:38				The President went to his office in the EOB.
1:39	3:25			<p>The President met with:</p> <p>Henry E. Petersen, Assistant Attorney General [4109]</p> <p>Mr. Ziegler</p>
2:25	2:52			

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

DATE (Mo., Day, Year)

APRIL 16, 1973

TIME DAY

2:19 P.M. MONDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P - Placed R - Received		ACTIVITY
In	Out	To	ID	
2:19		P		The President requested that Mr. Ziegler join him.
3:25	3:26	P		The President talked with Mr. Ziegler.
3:27	4:02			The President met with: Mr. Ehrlichman
3:35	4:04			Mr. Ziegler
4:04	4:05	P		The President talked with his Counsel, John W. Dean III.
4:05	4:06			The President met with Mr. Bull.
4:07	4:35			The President met with Mr. Dean.
4:42	4:43	P		The President talked with his daughter, Julie.
4:55	6:01			The President met with: William P. Rogers, Secretary of State
5:45	6:01			Mr. Ziegler
6:01				The President and Secretary Rogers went to West Executive Avenue.
6:01	6:10			The President and Secretary Rogers motored from West Executive Avenue to Pier One of the Washington Navy Yard.
6:15	8:28			The President went boating on the <u>Sequoia</u> with Secretary Rogers.
7:20				The President and Secretary Rogers had dinner on board.
8:28				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
8:32	8:41			The President motored from the Washington Navy Yard to the South Grounds of the White House.
8:42				The President returned to his office in the EOB.
8:45		P		The President telephoned Mr. Ehrlichman. The call was not completed.
8:58	9:14	P		The President talked with Mr. Petersen.
9:24				The President returned to the second floor Residence.
9:27	9:49	R		The President talked with Mr. Ehrlichman.

[4110]

CD/SM/JD

67. On April 17, 1973 from 9:47 to 9:59 a.m. the President met with H. R. Haldeman. The President instructed Haldeman to tell Kalmbach that LaRue was talking freely. There was discussion of the problem raised by Dean's efforts to get immunity.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

67.1 Summary of White House edited transcript of a conversation between the President and H. R. Haldeman from 9:47 to 9:59 a.m., April 17, 1973, prepared by House Judiciary Committee staff.

67.2 President Nixon daily diary, April 17, 1973, Exhibit 48, In re Grand Jury.

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 17, 1973, 9:47 a.m. to 9:59 a.m.

On April 17, 1973, the President met with H. R. Haldeman in the Oval Office in the White House from 9:47 a.m. to 9:59 a.m. The President began the conversation by saying that he was thinking that they probably should use John Connally more to try to hammer out what their policy should be on Watergate. (p. 1)

Haldeman said that Colson had told Ehrlichman that morning that Colson's sources in departments and around town said that "we've got one more day to act on our initiative." (p. 1) Haldeman told the President that "[t]he White House has got to move" and, if they were going to move that day, they probably ought to meet earlier so they would be ready to move by three or three-thirty. (p. 2)

After a deletion of "[m]aterial unrelated to Presidential action," (p. 1) Haldeman mentioned "all these breaks, this White House is all over town," and that the President had seen or knew the Los Angeles Times had the story, to which the President replied, "About (unintelligible)." (p. 2)

The President said he thought "we have to move today," and "you might have to give them the full report today the way it is breaking so fast." The President said that he had had quite a long talk with Rogers, who was "much more rational than Len." "On the other hand," the

President said, "you've got the problem of you and John sort of being nibbled to death over a period of time." "By not moving," the President said, "having a situation where, frankly, the changes of your being . . . publicly attacked and also even the steam of the prosecution is greater." Every day, the President said, "there is some damn little thing that somebody touts around with," so that "everything can be explained and try to defend and all that sort of thing." The President said that he was not prepared to make that suggestion, but Haldeman should talk to John about it. Haldeman agreed. (pp. 2-3)

The President then said, "Dean met with Liddy on June 19th, must have been when he did it." "He was in California in January," the President said, "but that is irrelevant." But "they keep banging around and banging around. The prosecution gets out the damn stuff." The President asked Haldeman if John had talked to him about it. Haldeman replied that Dean had told that story to him and Ehrlichman in Ehrlichman's office the preceding week or two weeks before and that Haldeman thought he had described the story to the President in some detail. The President said that this was after they had started their own investigation, and Haldeman agreed. The President said, "I mean it wasn't back then. It wouldn't indicate that we knew about all this, etc." The President continued, "Another thing, if you could get John and yourself to sit down and do some hard thinking about what kind of strategy you are going to have with the money. You know what I mean." Haldeman replied, "Yeah." There is then a deletion in the transcript of "[m]aterial unrelated to President's actions." (pp. 3-4)

The President told Haldeman that he had to call Kalmbach "so I want to be sure. I want to try to find out what the hell he [apparently Dean] is

going to say he told Kalmbach." The President asked what Kalmbach said he told him and whether he said they wanted the money for support. Haldeman replied that he didn't know and said that John [apparently Ehrlichman] had been talking to Kalmbach. The President said to be sure that Kalmbach was "at least aware of this, that LaRue has talked very freely. He is a broken man." (p. 4)

The President continued by saying that "this destruction of the (unintelligible) things is troublesome, of course." The President said that John told him too, and "basically the culprit is Pat Gray." He asked Haldeman if Colson knew about that and if they were calling Colson because he was in the room when it was handed to Gray. Haldeman replied that apparently Colson was not, but that there was a meeting before in which they supposedly talked about the deep-sixing and all that, which Colson was supposed to have been in. Haldeman said that Colson did not remember being in it and that Colson flatly said he was never in anything where there was a discussion of getting Hunt out of the country. Haldeman said that Kerhli, who was supposed to be at the same meeting, said the same thing and that Ehrlichman had checked everyone who was at the meeting and nobody recalled that being said except Dean. And, said Haldeman, Dean was the one who "called Liddy and told him to telephone Hunt to get out of the country and then called him later and said not to." (pp. 4-5)

The President then said that he would like a policy, that he thought "we've got to think about a positive move" and "it ought to be today." Haldeman agreed. The President said that "it should be at 3:00 today" and that he hoped the story didn't break today in --" Haldeman said that even if it did break, the President could "get into a cycle with it," and the President replied that he did not want to be answering it. (p. 5)

The President said that he wanted "a thing done today." Haldeman and Ehrlichman had to think, the President said, "not just in terms as a national group for the President and all that," but also had to think "in terms of having this damn thing continue to be dragged up bit by bit and answers dragged out bit by bit." The point was that "Dean's incentive with the U. S. Attorney, incentive with everybody else will be this and that," the President said. The President said that "the prosecutor has been pretty clever. They got Magruder. Magruder just caved, it had to come. It had to come, Bob. It was going to come." (p. 6) Haldeman agreed. The President replied, "That's right."

The President said that Dean "is the one who surprises me and disappoints you to an extent because he is trying to save his neck and doing so easily. He is not, to hear him tell it, when I have talked to him, he is not telling things that will, you know --" Haldeman said, "That is not really true though. He is." The President replied that he knew, that Dean "tells me one thing and the other guy something else," and "[t]hat is when I get mad." The President said that Dean was trying to tell enough to get immunity. Haldeman said, "That is the real problem we've got. It had to break and it should break but what you've got is people within it, as you said right at the beginning, who said things and said them, too, exactly as Dean told them. The more you give them the better it will work out." (pp. 6-7)

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activities)

DATE (Mo., Day, Year)

APRIL 17, 1973

TIME DAY

9:18 a.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

67.2 President Nixon daily diary

TIME		PHONE		
In	Out	P - Placed	R - Received	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

[4119]

Source: Nixon 47-73 In re Grand Jury Proceedings

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

12:19 p.m. TUESDAY

TIME		PHONE Placed Received		ACTIVITY
In	Out	Lo	TO	
12:19				The Presidential party went to the South Grounds of the White House.
12:23				The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24			The President met with Mr. Kissinger.
12:35	2:20			✓ The President met with: Mr. Haldeman
12:35	2:20			John D. Ehrlichman, Assistant
2:10	2:17			Ronald L. Ziegler, Press Secretary
2:30	2:40			✓ The President met with Mr. Ziegler.
2:39	2:40	P		✓ The President talked with Mr. Ehrlichman.
2:46	3:49			✓ The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35			✓ The President met with: Mr. Haldeman Mr. Ehrlichman
4:41				The President went to the Press Room.
4:41	4:46			✓ The President addressed members of the press on the developments in the Watergate case. White House photographer, in/out
4:46				The President returned to the Oval Office.
4:48	5:03			✓ The President met with Mr. Ziegler.
5:09				The President went to his office in the EOB.
5:15	5:16			✓ The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19			✓ The President met with: Secretary Rogers
5:50	7:14			Mr. Haldeman
5:50	7:14			Mr. Ehrlichman
6:17	6:21	P		✓ The President talked with Mr. Ziegler.
6:55		R		The President was telephoned by Mr. Kissinger. The call was not completed.
7:15				The President returned to the second floor Residence.

[4120]

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE Placed Received		ACTIVITY
In	Out	To	ID	
7:36	7:33	R		The President talked with Mr. Kissinger.
8:02				The President went to the North Portico.
				The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03				The Presidential party went to the Yellow Oval Room.
8:03	8:21			The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39			The Presidential party received dinner guests.
8:39	10:11			The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11				The President and the First Lady went to the Grand Hall.
10:11	10:32			The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17			The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

PRESIDENT RICHARD NIXON'S DAILY DIARY

(Not Intend Record For Public Activity)

DAY BEGAN

DATE (Mo., Day, Year)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

11:17 a.m. TUESDAY

TIME		PHONE		ACTIVITY
In	Out	P To	R From	
11:17				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.
11:20				The President and the First Lady returned to the second floor Residence.
11:45	12:04	P		The President talked with Mr. Kissinger.
SH/CD/JD				

68. On or about April 17, 1973 John Ehrlichman had telephone conversations with Charles Colson, White House aide Ken Clawson, and former CRP campaign director Clark MacGregor. Ehrlichman asked Colson and Clawson about their recollections regarding Dean's allegations that Ehrlichman had told Dean to destroy documents from Hunt's safe and to order Hunt to leave the country. During the course of their conversation, Colson and Ehrlichman discussed nailing Dean by seeing that he not get immunity. Each of these conversations was tape recorded by Ehrlichman.

-
- 68.1 Transcript of a telephone conversation between John Ehrlichman and Clark MacGregor, SSC Exhibit No. 107, 7 SSC 3007-08.
 - 68.2 Tape recording of a telephone conversation between John Ehrlichman and Ken Clawson (received from SSC) and House Judiciary Committee transcript thereof.
 - 68.3 Tape recording of a telephone conversation between John Ehrlichman and Charles Colson (received from SSC) and House Judiciary Committee transcript thereof.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JULY 26, 27, AND 30, 1973

Book 7



Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE

96-296 O

WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price \$3

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NOTE.—Figures in parentheses indicate page that exhibit was officially made part of the record.

EXHIBIT No. 107

Conversation with Clark MacGregor.

E. Ehrlichman.

M. MacGregor.

E. Hi, Clark. Gee, you're nice to call back.

M. Well, you bet, sir, I'm sorry I was away. I went to one of those very exciting dedication ceremonies of the new building and housing with Federal Power Commission.

E. Say I missed that. But I just want you to know it wasn't because I wasn't invited.

M. I want to give you a detailed report.

E. That's why I called, really.

M. We may get around to that someday. Actually, I think that's a great idea—they have a new building in the north capitol street area near Union Plaza area in that old, it's been torn up so much and they have a federal agency in there. I think it's a darn good idea.

E. It helps the town. I am asking you to plumb your recollection, Mr. MacGregor. Back in the days following the Convention we were all at the convention and then if you will remember, the President went to San Clemente for five or six days and then he went on to Honolulu.

M. Yes, I remember.

E. Do you remember a sequence of events where we hatched a plot to have Clark MacGregor go out and make disclosures on the Watergate case? And said—

M. Yes.

E. And said, wouldn't it be an ideal time when the President is in Hawaii so that he's detached and so on and so forth?

M. I do recall it.

E. And we had extensive discussions and I'm, what I'm trying to track down is a memo that was written about that and I can't find any record of it and it may be that I am just imagining that there is such a thing.

M. John, I don't honestly recall a memo. Now, as I think back on that it may be that my recollection will change but I recall the circumstances that brought me to San Clemente and I think I came with some reluctance but not because of Watergate, because—

E. Other things you had to do.

M. Yes, that's right, and because Bob Haldeman said to me that he felt that it was imperative that I come out and visit with Bob and with you about the question of if you will White House oversight of Committee activities in certain key states.

E. Oh, yes, that was the problem we discussed at the convention and so on. Yeah.

M. And directly to our discussion which you and Bob and I think Fred Malek and I had a meeting in your office and that consumed much of the morning. We were—I think you and Bob and I were on some other matters for part of the morning in Bob's office; then it seems to me we convened really in your office with Fred Malek and then we met briefly with the President; then we trooped up to hear the President respond to the questions put to him and that was August 29 in the outdoor, sort of out door give and take session he had with the press.

E. Yeah, yeah, good for you.

Well, the thing that I am trying to recall is the details of this concept that we should make a clean breast of the Watergate right at that time. It becomes material in this whole investigation that's going on now only for the question of the part that John Dean may have played in giving advice that we ought not to do it at that time.

- M. Again, I'm going to rely on recollection and I'll look at home tonight, John, because I didn't retain a great many papers. I thought it was no purpose behind, somebody else was going to be the historian, but I do recall that sometime in advance of that San Clemente discussions which we just covered, which took place on August 29, sometime prior to that the idea was voiced by Maurice Stans or others that maybe I ought to go before the press and say here's the written accounting of what transpired and I'm prepared to answer your questions about this and that although I never saw a memo I did see a draft, a rough draft, which I think was the one filed through John Dean, which consisted of five to seven double spaced pages on regular 9 x 12 paper, non-legal size paper with a sort of a historical summary. That I know, that particular paper, I think probably came to my attention in my campaign office at 1701 sometime a week to two weeks in advance of the Republican Convention and it resided for some time in my right hand drawer of the desk where I kept papers that I wanted to pick out and look at from time to time but haven't decided to act on. I don't recall that there was any accompanying memo at any time or anything in letter form that referred to the question of whether Clark MacGregor should make this statement.
- E. We had some pretty heated telephone conversations, as I recall, about your doing this.
- M. Well, I think that may be right.
- E. Yeah. You decided in your own mind that it was not a wise thing to do and we went back and forth, back and forth on it. Is that about right?
- M. Yes. Maybe. I think—I felt one of, well, I think you may be right, but I'm trying to probe my own recollection, my own motives.
- E. Yeah.
- M. It seems to me I felt at that time that certain things that were set forth there were things that were strange to me and that I would not be able to handle very well in terms of questions. And I think that rather than the question of the issuance of something it was a question of whether I was the appropriate person to . . . Maury Stans at that time was saying to me he wanted to do it.
- E. Oh, yeah. Yeah, I remember that, and you felt, in fact you said what would I say if they asked me to vouch for these things and at that time you had conducted no independent investigation.
- M. Except you should know that what I did was during the first week of July, that would have been on Monday, July 3, for the few people who were around and then more extensively on Wednesday, July 5. I did ask to come into my 1701 office Fred LaRue, Jeb Magruder, Herb Porter and two or three others and simply close the door and put it to them face to face.
- E. One by one?
- M. Yep, did you in any . . . were you in any way involved or did you have any prior knowledge before June 17 of the events that are known as the Watergate?
- E. And they said no?
- M. Yeah.
- E. OK, if you find it convenient and could rummage around and see if you have anything on that particular transaction. I'd be very grateful to you.
- M. OK, I will. John, I'll be looking for that, as I say, that double spaced. I can remember it was on white paper and it was on first sheets, not onion skin and I don't know that it had any particular title, but it did run 5-7 pages.
- E. And it would be a sort of a script of what you might have said? Is that it?
- M. Or issued, or handed out to the press. Kind of a white paper.
- E. I get it.
- M. I think it was referred to by one or more persons at that time as a white paper.
- E. Well, the memo I had in mind was one that I wrote that was a conceptual thing that said this coincidence of event were coming off the convention. McGovern is our opposition. Clark MacGregor is a bright new image, the President will be in Hawaii—why not take advantage of that coincidence of factors and let's make a clean breast of things.
- M. I recall that what you have just said was presented to me I think partly by Bob Haldeman and partly by you but I don't recall ever seeing it in writing.
- E. Yeah, yeah. OK.
- Thank you, Clark, sorry to have bothered you.
- M. Oh, no bother.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A TELEPHONE CONVERSATION BETWEEN
JOHN D. EHRLICHMAN AND KENNETH CLAWSON ON OR
ABOUT APRIL 17, 1973

EHRLICHMAN: Hello?

CLAWSON: Hi, John.

EHRLICHMAN: Hi, Ken. You called me.

CLAWSON: No, I didn't call you.

EHRLICHMAN: I'm sorry. I got a message at home to call you.

CLAWSON: Huh.

EHRLICHMAN: I'll be jiggered.

CLAWSON: No, not at all.

EHRLICHMAN: This is Ken Clawson?

CLAWSON: Yep.

EHRLICHMAN: Huh.

CLAWSON: Unless it was Jim Clawson.

EHRLICHMAN: Couldn't have been. Isn't that strange?

CLAWSON: Nope. I didn't call you at all, John.

EHRlichman: Gee, I hope I didn't wake you up.

CLAWSON: I'm, I'm out of it with this damn cold.

EHRlichman: Aw--That's too bad. While I have you, could I ask you something?

CLAWSON: Sure.

EHRlichman: I'm, I'm awfully sorry to bother you. Uh, you may recall a meeting in my office which I think you sort of convened to talk about a press report -- the, uh, this during the, the Watergate aftermath when it, when it broke -- a press report about Hunt's safe being in the White House. And you and Chuck and Bruce Kehrli came up here and met with Dean and me to talk about what to, you know, what our response should be, and so forth. Do you remember that?

CLAWSON: Uh, vaguely. I remember better the, the, uh, an earlier meeting in which, uh, the question was, uh, should we give out Hunt's dates of employment, and did Charley, uh, -- what Charlie's role was in hiring him.

EHRlichman: Yeah. Well, this focuses particularly on, uh, what we ought to do about the contents of the safe, what we ought to say to the press, what we ought to do about Hunt, and so forth.

Do you have any present recollection of that?

CLAWSON: A vague memory. Yeah. But I don't recall any of the details of it.

EHRlichman: Well, it's, it's interesting because Dean, uh, who as you know has talked to the U. S. Attorney at great length,

CLAWSON: Yeah.

EHRlichman: uh, uh, cites some comments of mine in that meeting as evidence of corrupt attitude on my part. And, uh, I am looking for anybody who can, uh, help me to recall what took place there.

CLAWSON: That's a hell of a note, John.

EHRlichman: /Laughs/ I agree. Well, let me, let me --

CLAWSON: If you want me to be forthwith and straight forward with you, I'll recollect anything that you want.

EHRlichman: Well, no, uh -- Let me, let me tell you what my problem is, and then you can, you can, uh, uh -- As I rec--, uh--Don't-- I won't -- I'm -- Got to tell you what I recall and what I don't recall. He alleges that I said two things at that meeting. One, that we ought to "deep six" the contents of the safe, quote unquote, and two, that we ought to get Hunt to leave the country.

CLAWSON: Oh, I could -- listen, John. If anything like -- If either

one of those two things were said that would be vivid in my recollection.

EHRlichman: I would think so. I would think so.

CLAWSON: And that's, you know, that's objectively.

EHRlichman: Now

CLAWSON: /Unintelligible/ true.

EHRlichman: in point of fact, Dean phoned Liddy and asked Liddy to have Hunt leave the country.

CLAWSON: That's new news to me.

EHRlichman: Yeah, but see this is -- and he's -- and what he is doing is saying, "Well, I was just being a good German and carrying out orders."

CLAWSON: No, I, uh, I would have absolutely no trouble, in, in, in, in, in remembering either one of those two things had that been said.

EHRlichman: Well, okay, Uh --

CLAWSON: One would just remember that.

EHRlichman: Yeah, that's a, that's a fairly, uh, that's a fairly dramatic event.

CLAWSON: Yeah.

EHRlichman: Okay. Thank you very much.

CLAWSON: Sure John.

EHRlichman: S--, awfully sorry to have bothered you.

CLAWSON: Not at all.

EHRlichman: I, I'm -- just don't understand --

CLAWSON: /Unintelligible/ If there's anything I can do in this thing, please let me know.

EHRlichman: I will. I will. Thank you, Ken.

CLAWSON: Sure.

EHRlichman: Bye.

CLAWSON: Bye.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF
FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING
OF A TELEPHONE CONVERSATION BETWEEN JOHN D. EHRLICHMAN
AND CHARLES COLSON ON APRIL 17, 1973

EHRLICHMAN: Hello.

FEMALE VOICE: Hello.

EHRLICHMAN: Hello.

FEMALE VOICE: Mr. Colson's office.

EHRLICHMAN: Yes. This is John Ehrlichman.

FEMALE VOICE: Hi, Mr. Ehrlichman.

EHRLICHMAN: Is Mr. Colson in?

FEMALE VOICE: Yes, just a minute, please.

COLSON: Hello.

EHRLICHMAN: Hi.

COLSON: Hi, John. I'll be over about eleven if that's
convenient.

EHRLICHMAN: Fine. That's very good.

COLSON: Two quick questions, though -- uh, well, one thing I should tell you is that our grapevine, uh, last night really started accelerating. Uh, something coming out this morning -- "Dean involved" -- uh, now I notice the L. A. Times has it this morning -- but the people that Shapiro has been getting information from. You know the town is buzzing with -- is alive with the story.

EHRLICHMAN: Huh.

COLSON: So I don't think we have a hell of a lot of time

EHRLICHMAN: All right.

COLSON: to beat anybody to

EHRLICHMAN: All right.

COLSON: the [unintelligible]. I just thought I'd let you know that. [Unintelligible] Did he, when he went over there -- uh, was he given any immunity?

EHRLICHMAN: Not yet. What they have done apparently --

COLSON: They shouldn't give it to him.

EHRlichman: I know it. What they said to him is that unless he turns up corroborated evidence against Haldeman and me ---

COLSON: Is that who he's trying to nail?

EHRlichman: Sure.

COLSON: Who? Dean is?

EHRlichman: Yup.

COLSON: That's John Mitchell again. Son-of-a-bitch.

EHRlichman: Unless, unless he does that, he doesn't get immunity. Now my grapevine tells me that you are going to be summoned over there today.

COLSON: Oh, really?

EHRlichman: Yup. And that uh, they are going to ask you about a meeting in my office which Dean has highlighted as the central uh, uh, gem stone in the case against me. And, uh, so just in case you get hauled over there before eleven o'clock, maybe I'd better tell you about it. Uh, it was a meeting that Kehrli, Clawson, you, Dean and I had here.

COLSON: I wasn't there.

EHRlichMAN: In my office?

COLSON: I was not there.

EHRlichMAN: Hm.

COLSON: Dean tried this -- Dean tried this one out on me Friday night, and I said "I -- the only thing I can ever really recall, John, is I once told you that I thought it was a stupid God damn thing for Hunt to be a --, unavailable."

EHRlichMAN: Well, that's the, that's the meeting where supposedly I ordered him to tell Hunt to leave the country.

COLSON: Never heard that, and, and I will so state under oath.

EHRlichMAN: Uh, or that I, uh, admonished everyone that we ought to figure out some way to "deep six" the contents of Hunt's safe.

COLSON: No. No way. I was the one who said, "Go get Hunt's safe and be sure it's preserved for the FBI."

EHRlichMAN: Right.

COLSON: A. And B, it's stupid to get him out of the country but that was in my office, not in yours, and you weren't present.

EHRlichman: No.

COLSON: I can handle that one easily.

EHRlichman: But you were not in a meeting here?

COLSON: Well, I may have been, but I sure don't remember that.

EHRlichman: That's the way. Okay.

COLSON: All right?

EHRlichman: Yeah.

COLSON: I can handle that.

EHRlichman: Thank you.

COLSON: We'll see you --

EHRlichman: I'll see you at eleven.

COLSON: There are a couple of things that you and I need to do to protect each other's flanks here.

EHRlichman: [Laughs]

COLSON: But -- Listen, we'll talk about that.

EHRlichman: All right.

COLSON: But, uh -- no, I'm serious.

EHRLICHMAN: Well, uh --

COLSON: Let's get,

EHRLICHMAN: fair enough.

COLSON: let's get it, uh, clearly understood that that son-of-a-bitch doesn't get immunity. I want to nail him.

EHRLICHMAN: Well, I'm doing my best.

COLSON: No. I want to nail him. I'll take immunity first.

EHRLICHMAN: Okay.

COLSON: All right?

EHRLICHMAN: All right.

COLSON: Good.

EHRLICHMAN: All right.

COLSON: Thanks.

69. On April 17, 1973 at 10:26 a.m. Gray met with Petersen in Gray's office. Gray has testified that he admitted to Petersen that he had received files from Dean in Ehrlichman's office and told Petersen that he had burned the files without reading them. Petersen told Gray that the assistant U. S. attorneys would want him before the grand jury. During the afternoon of April 17 Petersen told the President that Gray had admitted destroying documents he received from Dean.

- 69.1 L. Patrick Gray log, April 17, 1973 (received from SSC).
- 69.2 L. Patrick Gray testimony, 9 SSC 3471.
- 69.3 Henry Petersen testimony, 9 SSC 3624-26.
- 69.4 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 26-27 (received from Watergate Grand Jury).
- 69.5 White House edited transcript of a conversation between the President and Henry Petersen from 2:46 to 3:49 p.m., April 17, 1973, 38-40.

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE _____

DATE Tue., April 17, 1973

Time	Caller	VIA	Action	
✓ 9 ²⁰	ASST. AG HENRY PETERSEN	TELE	SPOKE TO MR. GRAY	
9 ²⁷	MR. GRAY	TELE	SENATOR RIBICOFF -	
✓ 9 ²⁹	MR. GRAY	TELE	LEFT WORD	
			SENATOR WEICKER -	
✓ 9 ³⁴	SENATOR WEICKER	TELE	SPOKE TO MR. GRAY	
			ADM. GEORGE ANDERSON -	
✓ 9 ⁵⁴	MR. GRAY	TELE	LEFT WORD	
			MR. WILLIAM C. SULLIVAN -	
✓ 9 ⁵⁵	MR. GRAY	TELE	LEFT WORD	
			MR. LICHENSTEIN -	
✓ 10 ⁰⁸	MR. GRAY	TELE	SPOKE	
✓ 10 ²¹	ASST. AG HENRY PETERSEN	TELE	SPOKE TO MR. GRAY	
10 ²²	R. ADM. WALTER SMALL	TELE	SPOKE TO MR. GRAY	
✓ 10 ²⁶	ASST. AG HENRY PETERSEN	PERS	SAW MR. GRAY	
✓ 10 ⁴³	SENATOR RIBICOFF	TELE	SPOKE TO MR. GRAY	
			MR. GRAY TO SEE AG -	
✓ 10 ⁴⁷	SECRETARY TO AG	TELE	MR. GRAY ADVISED	
	(WHITE HOUSE)		MR. GRAY OUT -	
✓ 11 ⁵⁰	MR. RICHARD MORRIS	TELE	SPOKE TO MRS. NEELAN	
	MRS. ARMSTRONG, LICHENSTEIN, FELT,		(MR. GRAY AT AG'S)	
	BAKER, CONRAD & CLEVELAND &			
✓ 12 ³⁰	MR. HESBIE	PERS	LUNCH WITH MR. GRAY	
✓ 1 ³²	MR. WILLIAM C. SULLIVAN	TELE	LEFT WORD	
2 ¹⁵	SA WILLIAM P. HOLLOWAY	PERS	SAW MR. GRAY	
	MRS. DOROTHY			
	MISS JONES, DAVID & RICK			
	BUREAU PHOTOCOPIERS			
(CONTINUED ON NEXT PAGE)				

DIRECTOR:

IN - 9³⁰IN - 2⁰¹

IN -

IN -

IN -

OUT - 10⁵³
AG ✓OUT - 6³³

OUT -

OUT -

OUT -

DATE Tues. April 17, 1972

OUT -

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

Book 9



Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE

96-296 O

WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price \$3

Mr. Dean told the prosecutors that Mr. Ehrlichman had said to him, "Dean, you drive across the bridge each day, throw them in the river."

I was extremely troubled at my denial to Mr. Petersen. I slept little, if any, that night.

On Tuesday, April 17, 1973, at approximately 9 a.m., I placed a call to Mr. Petersen on my private line. He was not in and I left word. He called me back and, at my request, we met in my office later in the morning. I started our meeting by admitting that Dean had given me two white manila files in Ehrlichman's office. He asked if I had them and I told him I had burned them. He asked if I knew what was in them. I told him I had not read the files. He said, "The assistant U.S. attorneys will want you before the Federal grand jury."

On Wednesday, April 25, 1973, I telephoned Senator Weicker asking to meet with him. For a week I had thought about this matter and of Senator Weicker's staunch and valiant support of me and his warm friendship. I had a duty to tell him of these two files, yet my shame was so deep that it was hard to pick up the phone and call.

Senator Weicker and I met twice that day in my office and again the next day. I told him the manner in which I had received the files, that I had not read them, and that I had torn them in half and thrown them in my burn wastebaskets under my desk in my office on July 3, 1972, after returning from a visit to the San Diego and Phoenix field divisions. We discussed this subject at great length and he questioned me intensively on the entire matter. I persisted in my assertions to him that I had not read them, and that I had thrown them in my burn wastebaskets in my office on July 3, 1972.

I really cannot explain why I failed to tell Senator Weicker all the facts at this time and made the misstatements to him concerning the date I destroyed the files and my knowledge of what one of them contained. A sense of shame is all I can remember. I suppose I felt, in some irrational way, that I would look better in his eyes if I had destroyed them promptly and never looked at them. I have subsequently revealed all the facts of the matter to Senator Weicker, the staff of this committee, the prosecutors, and the grand jury.

At the time I accepted the two files from Dean and Ehrlichman, at the time I destroyed them, and on the several occasions, prior to my denial to Henry Petersen on April 16, in which I resisted disclosure of the fact that I had received and destroyed the documents, I believed that I was acting faithfully, loyally, properly, and legally pursuant to instructions given me by top assistants to the President of the United States. I have come to believe, however, what I should have realized then, that my acceptance of the documents in the first place, and my keeping them out of the normal FBI files, was a grievous misjudgment. My destroying them and resistance of disclosure only compounded the error. That the documents were not in fact Watergate evidence, while legally significant, does not lessen my present belief that I permitted myself to be used to perform a mere political chore. I shall carry the burden of that act with me always.

Mr. Chairman, that concludes my statement, sir.

Senator ERVIN. Mr. Gray, the committee got copies of your statement late and both counsels for the committee have not had an opportunity to study it, and it is almost 4 o'clock, after 5 days of hearings

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

SENATE RESOLUTION 60

HEARINGS

BEFORE THE

SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES

OF THE

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

Book 9



Printed for the use of the
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U.S. GOVERNMENT PRINTING OFFICE

56-226 O

WASHINGTON : 1973

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Mr. DASH. Around December 22, 1972, in connection with hearings on Mr. Bittman's motion, I understand, concerning certain items that were taken out of Mr. Hunt's safe, did Mr. Dean tell you that he had given certain items from Mr. Hunt's files to Mr. Gray?

Mr. PETERSEN. Yes, we had an all afternoon session which started around 2 or 2:30 p.m. in which we were interviewing Mr. Dean, Mr. Fielding—Fred Fielding of the White House staff, and Bruce Kehrli with respect to their search of Mr. Hunt's office immediately after it was ascertained that he had some part in the break-in.

Mr. Bittman in his motion on behalf of Mr. Hunt had alleged that there were two notebooks present among Mr. Hunt's possessions that were not accounted for in the FBI inventory and we were trying to determine where they were, if they existed, did the FBI agents have them, did Dean, Fielding, Kehrli come across them, did they retain them or what have you, and we spent all afternoon interrogating those three people anticipating they would be called as defense witnesses on the motion to suppress. At approximately 6:30 that evening my recollection is we were interrupted with news on the DeCarlo commutation.

Mr. Dean pulled me aside and said the statement in there were true, he had given everything to the FBI, but some documents he had given to Mr. Gray personally and I said, "Well, John, I just want to know one thing, are they related to Watergate," and he said, "They are absolutely unrelated." I said, "Well, if you are asked that question, you are going to have to tell the truth." I remember his answer very vividly. "Henry, I will tell the truth. I am not going to lie for that damn Ehrlichman. I may lie for the President but I am not going to lie for him." I said, "More than that, John. I am willing to take your word that they are not related to Watergate, but defense counsel is not going to be. Now if you are asked that question, those documents are going to have to be produced and you had better talk to Pat Gray about it" and he said he would. We broke up on that note and we were going to get back to it, supposedly.

I was off on a Christmas holiday. When we came back, negotiations were undertaken with respect to the plea of guilty by Hunt and at the suggestion of the prosecutors I approved the acceptance of a plea to three counts, the conspiracy count, burglary count, and eavesdropping count, which as I recall would have subjected them to about 25 years, and the court went us one better and insisted they plead to everything, which they did. With the acceptance of the plea the motion to suppress was not pressed and, of course, I guess I just no longer had in the forefront of my mind those documents or that question with respect to those notebooks.

Mr. DASH. Did there come a time when you followed up and asked Mr. Gray whether or not he did receive certain documents out of Mr. Hunt's safe from Mr. Dean?

Mr. PETERSEN. During the course of Mr. Gray's confirmation hearing he had occasion to call me about some point and in the course of that conversation I had asked him very casually if he had ever received documents from John Dean from Hunt's safe or office which were not given to the agents and he said, no. The next occasion came on or

about April 15 when John Dean was being debriefed by the prosecutors and he related this to him and Silbert asked me about it and I said yes, and told him I had asked Pat Gray and Pat Gray said no, and I went back to Pat Gray either on April 16 or 17 and asked him again, told him what John Dean had said, and he said Henry, that is not so. About this time I was having some discussion with the President about it. I had imparted this information to him and he said well, I think Dean is telling the truth on this, you ought to ask Ehrlichman. When I left there I went over to Ehrlichman's office and he was not there and I frankly did not bother going back to him. We double-checked with Dean's counsel and they were sure of it and I went back to Mr. Gray the following week, around the 25th, 26th, and asked him again and this time he said yes, that he had received such documents, that they had implied that he ought to destroy them, that he had taken them home over the weekend and brought them back and tore them up and threw them in the burn basket. I said—

Mr. DASH. Did he tell you why he had destroyed them, whether he was acting under instructions?

Mr. PETERSEN. Well, I asked him if he read them and he said no, and he said, well, they just said they were politically sensitive.

Mr. DASH. Did you say he did not know the contents of the papers?

Mr. PETERSEN. I asked him if he read them and he said he did not.

Mr. DASH. Where did you say that Mr. Gray went before he burned them?

Mr. PETERSEN. He went to Connecticut. He was in travel status, as I recall his statement to me, and after he received the documents he was going up over the weekend or to make a speech and took the documents with him and told me he brought them back to the office and tore them up and pointed down to the basket beneath his desk and said I put them in there.

Mr. DASH. Without reading them?

Mr. PETERSEN. That is right.

Mr. DASH. On the 26th, which was quite some time beyond the period we have been talking about, Mr. Gray has testified that on that day, apparently that is the day he did admit to you that he destroyed the documents, you said to him that you were scared and that you and he, Mr. Gray, were expendable and Mr. Haldeman and Mr. Ehrlichman were not expendable.

Did you say anything like that to him and, if so, why?

Mr. PETERSEN. I am not sure you have the time right, Mr. Dash. As I recall it, that was the night before Mr. Gray resigned. It was the day on which this item that we are discussing was publicized and I received a call from the President, as did Mr. Kleindienst in the evening, and the President asked me whether or not I thought Mr. Gray ought to resign and I told him that I thought Mr. Gray's position was untenable. And he said we will discuss it with the Attorney General. He, too, had talked to the Attorney General and, of course, I did discuss it with the Attorney General and pursuant to the President's instructions we asked Pat Gray to meet us and we did meet in the back office of Mr. Kleindienst's office and we discussed the situation and in my conversations with the President I expressed some sympathy for Mr. Gray, who I think most highly of. I have no hesitancy: I liked the man very much. And I told the President, "Mr. President,

I think he is an innocent victim," and the President said, "yes. Henry, maybe, but there are going to be a lot of innocent victims before this is over." So it was in that context, the context of commiseration. I did not want to be there, we were in effect, suggesting that the man resign, and when Mr. Kleindienst went out of the room to talk to the President again, you know, I said Pat, we are all going to be embarrassed before this is over. I am scared, we have a constitutional confrontation here, we have the Presidency of the strongest nation in the world teetering in the brink. I do not remember saying that we were expendable, Ehrlichman and Haldeman were not, but I may have, I was upset.

Mr. DASH. Are you aware that Mr. Gray's testimony is that he informed you on April 17 that he had received the documents? Are you aware that at that earlier time he gave you that information?

Mr. PETERSEN. No, sir. My recollection is that I went to see him on the 16th or 17th and he denied it. I went back to see him the following week after double-checking with Silbert and Dean's counsel and the President, what have you, and it was Tuesday of that week, I think, maybe the 25th, 26th.

Mr. DASH. Do you recall that sometime after the conviction of the seven Watergate defendants and the sentence, having lunch with Mr. Kleindienst, Mr. Dean and Mr. Ehrlichman and a question of leniency for the defendants coming up.

Mr. PETERSEN. No, no, I never had—

Mr. DASH. Let me rephrase the question. Are you aware of a lunch that Mr. Kleindienst had with Mr. Dean and Mr. Ehrlichman in which a question of leniency came up concerning the defendants in the Watergate case?

Mr. PETERSEN. Well, I am aware of a time when I received a telephone call from Mr. Kleindienst who said I am just now leaving the White House and I am on my way to the airport and on the way by I will stop by and you go downstairs and I will pick you up. You can ride out to the airport with me and I want to get some information from you, and I cannot fix the date except that it was a time when Mr. Kleindienst was going to Boston and he was meeting his wife at the airport.

We rode out to the airport and he said, I just had lunch with Dean and Ehrlichman and they raised a question of whether or not leniency could be accorded these defendants. And I said absolutely not. I said indeed, we are going to do just the contrary. It is not the practice in the District of Columbia to recommend specific terms, jail terms, but it certainly is the practice to recommend for jail or no jail and we intend to recommend jail time for these people and beyond that, after they are sentenced we intend to call them back and immunize them and in order to compel their testimony as to whether or not other persons are involved, and if they are contumacious and refused to testify they will be held in contempt. We discussed more what the procedure was, the sentencing procedures and when they would be sentenced and what have you, and he finally said do me a favor, go on back and go on over to the White House and tell those crazy guys over there what you just told me before they do something they will be sorry for. And I said, well, OK, and I went back to my office and on the way back I thought I have not been over there yet and this is not the time to go.

DV

1

1 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

2 - - - - -x
3 IN RE: POSSIBLE VIOLATIONS :

4 OF 18 USC 2511 and 2512 :
5 - - - - -x

211

6 Grand Jury Room No. 3
7 United States District Courthouse
8 3rd & Constitution Avenue, N. W.
9 Washington, D. C.

10 February 5, 1974

11 The testimony of HENRY E. PETERSEN was presented to
12 a full quorum of the Grand Jury.

13 BEFORE:

14 RICHARD BEN-VENISTE, ESQ.
15 Assistant Special Prosecutor
16 U. S. Department of Justice

17 GEORGE T. FRAMPTON, JR., ESQ.
18 Assistant Special Prosecutor
19 U. S. Department of Justice

20 JILL VOLNER
21 Assistant Special Prosecutor
22 U. S. Department of Justice
23
24

1 conversation. It may have been.

2 BY MR. FRAMPTON:

3 Q Mr. Petersen, when was the first time you learned
4 that Gray had destroyed the material that he had received?

5 A Not until very, very late in the investigation,
6 and that was --

7 Q It was well after April 15th, was it?

8 A Well, well after. It was a week after. When I
9 went to Gray -- the second time, I went to Gray in person,
10 and I think that was on, maybe, the 17th of April, and he
11 denied it. We had a general discussion about it.

12 Q He denied he'd even got the material?

13 A That's right. He just said that Dean was not telling
14 the truth. And then I told Silbert to go back, and then I
15 reported to the President that Gray had said this wasn't true
16 and the President said, "Well, talk to Ehrlichman."

17 In the meantime, Silbert had gone back to Dean and
18 he came back and said, "Dean's firm on it." And then my
19 recollection is that a week had expired and it was the succeed-
20 ing week -- maybe Tuesday or Wednesday -- and I went to Gray
21 again and, at that time, Gray said, you know, "Yes, that's
22 true. They making a patsy out of me. I've been taken. I've
23 been had." Or words to that effect. "I destroyed the docu-
24 ments and tore them up and threw them in my burn basket."

25 Q So you first learned about the destruction, itself,

1 from Gray?

2 A That's right.

3 Q Not from the President or from Ehrlichman?

4 A No. No. The discussion, though, I think was
5 whether or not Gray had been instructed to destroy them. And
6 my recollection of the President's position was that Ehrlich-
7 man said that he had not. That's my recollection of the
8 discussion.

SUBMISSION OF
RECORDED PRESIDENTIAL CONVERSATIONS
TO THE
COMMITTEE ON THE JUDICIARY
OF THE
HOUSE OF REPRESENTATIVES
BY
PRESIDENT RICHARD NIXON

APRIL 30, 1974

Appendix 41. Meeting: The President and Petersen, Oval Office,
April 17, 1973. (2:46 - 3:49 p.m.)

Steward - Mr. Peterson

P Right.

P All right - he can come in.

Steward - Have him come in now, Sir?

P Yeah.

P Hi.

HP Mr. President, how are you?

P Sit down, sit down.

HP Thank you, Sir.

P (Inaudible) meeting - in the middle of the night
for a change. The, ah, anything new I need to
know?

HP No, Sir, ah.

P Don't. As a matter of fact, I don't want you
really to tell me anything out of the Grand
Jury unless you think I need to know it. If it
corroborates something or anybody here I need to
know it - otherwise I don't want to know about it.

HP No, Sir.

P. That's good, because I find - Incidentally, if
I might - I don't think I like - for example,
I haven't been in touch with John Mitchell but
he might call me sometime and I don't want to
be a position of ever saying anything, see?

HP Damn, I admire your strength. I tell you.

P Well, that's what we are here for.

HP Well I know but I've been around government long
 enough...

P Frankly, the Dean thing troubles the hell out of
 me - I would like in one sense I would like to
 see the poor bastard you know, out of it and in
 another sense I think the immunity thing scares
 me to death.

HP Well it does me too. I agree.

P How shall we leave that? You will go back and -
 you haven't made a decision then?

HP Well we're still negotiating.

P You are going to try to see if you can get it
 another way -

HP That's right - that solves the problem for me -
 and if ...

P But you may not be able to and then we will have
 to get Dean. He is the only one, so - otherwise
 you go the other way.

HP Yeah. Incidentally, I talked with Pat Gray
 again -

P Yeah

HP I went back again today

P Do you think you can put that piece together?

HP Yes sir - I'll tell you what happened. He said he met with Ehrlichman - in Ehrlichman's office - Dean was there and they told him they had some stuff in Hunt's office that was utterly unrelated to the Watergate Case. They gave him two manilla envelopes that were sealed. He took them. He says, they said get rid of them. Dean doesn't say that. Dean says I didn't want to get rid of them so I gave them to Gray. But in any event, Gray took them back, and I said Pat where are they, and he said I burned them. And I said -

P He burned them?

HP I said that's terrible.

P Unrelated - only thing he can say was - he did it because it was political stuff I suppose?

HP Well, you know, the cynics are not going to believe it was unrelated.

P Oh yes of course.

HP I said, did you read it?

P Who handed it to him, Dean? Who knows the contents?

HP Dean and Ehrlichman. Dean -- Gray says he never looked at it - never read it.

P Did Dean? - did we ask Dean what the contents were?

HP I didn't ask Dean because he said it was -

P Did anybody?

HP Not at this point. We'll have get to that obviously.

P Sure. Dumb damn thing to do.

HP I think it is incredible and I just -

P Why didn't he just put it (inaudible)

HP I said Pat why did you do it.

P Pat's naive.

HP He said - well, I suppose because I took them at their word.

(Apparently someone brought in a statement)

P (Inaudible) Oh this is a (inaudible) Senate Select Committee. Let me read it to you if you can (inaudible) it for me a little. "For several weeks Senator Ervin and Senator Baker and their counsel have been in contact with White House representatives, Mr. Ehrlichman and Mr. Garment. They have been talking about ground rules to preserve the separation of powers without stressing facts. I believe that the Committee ground rules that have been adopted totally preserve the doctrine. They provided the...appearance by a witness named - in the first instance to be in executive session if appropriate. Second, the executive privilege would be expressly preserved (inaudible) proceeding would be televised (inaudible)...that has never

70. On April 17, 1973 from 12:35 to 2:20 p.m. the President met with H. R. Haldeman and John Ehrlichman. Ronald Ziegler joined the meeting from 2:10 to 2:17 p.m. There was a discussion about what to do about Dean and what Dean might say if he were fired; about the motive for making payments to the defendants; about what Strachan would say concerning intelligence material received from Magruder; and about whether Dean had reported to the President in the summer of 1972. There was also discussion of a press plan.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

70.1 President Nixon daily diary, April 17, 1973, Exhibit 48, In re Grand Jury.

70.2 Summary of White House edited transcript of a conversation among the President, H. R. Haldeman, John Ehrlichman and Ronald Ziegler from 12:35 to 2:20 p.m. on April 17, 1973, prepared by House Judiciary Committee staff.

PRESIDENT RICHARD NIXON'S DAILY DIARY

One Travel Record for Travel Activities

DATE OF Day Year

APRIL 17, 1973

TIME DAY

9:18 a.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

70.1 President Nixon daily diary

TIME		PHONE		
In	Out	P - Placed	R - Received	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

87 9/11

TRAVEL DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 17, 1973

TIME DAY

12:19 p.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P--Placed R--Received	ACTIVITY
In	Out		
12:19			The Presidential party went to the South Grounds of the White House.
12:23			The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24		The President met with Mr. Kissinger.
12:35	2:20		✓ The President met with:
12:35	2:20		Mr. Haldeman
2:10	2:17		John D. Ehrlichman, Assistant
			Ronald L. Ziegler, Press Secretary
2:30	2:40		✓ The President met with Mr. Ziegler.
2:39	2:40	P	✓ The President talked with Mr. Ehrlichman.
2:46	3:49		✓ The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35		✓ The President met with:
			Mr. Haldeman
			Mr. Ehrlichman
4:41			The President went to the Press Room.
4:41	4:46		✓ The President addressed members of the press on the developments in the Watergate case.
			White House photographer, in/out
4:46			The President returned to the Oval Office.
4:48	5:03		✓ The President met with Mr. Ziegler.
5:09			The President went to his office in the EOB.
5:15	5:16		✓ The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19		✓ The President met with:
5:50	7:14		Secretary Rogers
5:50	7:14		Mr. Haldeman
			Mr. Ehrlichman
6:17	6:21	P	✓ The President talked with Mr. Ziegler.
6:55		R	The President was telephoned by Mr. Kissinger. The call was not completed.
7:15			The President returned to the second floor Residence.

DATE DAY BEGAN

DATE (Mo., Day, Year)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE Placed Received	ACTIVITY
In	Out		
7:36	7:38	R	The President talked with Mr. Kissinger.
8:02			The President went to the North Portico.
			The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03			The Presidential party went to the Yellow Oval Room.
8:03	8:21		The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22			The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39		The Presidential party received dinner guests.
8:39	10:11		The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11			The President and the First Lady went to the Grand Hall.
10:11	10:32		The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32			The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17		The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

PRESIDENT RICHARD NIXON'S DAILY DIARY

(To be filled in by the President's Secretariat)

DAY DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

11:17 a.m. TUESDAY

TIME		PHONE		ACTIVITY
In	Out	P. Placed	S. Received	
11:17				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.
11:20				The President and the First Lady returned to the second floor Residence.
11:45	12:04	P		The President talked with Mr. Kissinger.

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 17, 1973, 12:35 to 2:20 p.m.

On April 17, 1973, the President met with H. R. Haldeman and John Ehrlichman in the Oval Office from 12:35 to 2:20 p.m. Ronald Ziegler was present from 2:10 to 2:17 p.m. The transcript begins with the notation, "Material not related to Presidential actions deleted." (p. 1)

Ehrlichman told the President they had a press plan, but it rested upon some decisions that the President had to make on "sort of an action plan." Ehrlichman said he had just met for an hour with Colson, who was very concerned and said he had to see the President. Colson wanted to explain in length to the President why Dean had to be dealt with summarily, Ehrlichman said. Ehrlichman said that Colson's argument would be that "the City of Washington, generally knows that Dean had little or no access to you." The President responded, "True, that's quite right. Dean was just a messenger." Ehrlichman continued, "That knowledge imputed to us is knowledge imputed to you" and that if Dean testified that "he imputed great quantities of knowledge to us, and is allowed to get away with that, that, that will seriously impair the Presidency ultimately" because it would be "very easy to argue - that all you have to do is read Dean's testimony - look at the previous relationships - and there she goes!" So, said Ehrlichman, Colson argued that the key was that Dean should not get

immunity. The President said, "Well, he told me that, and I couldn't agree more." (pp. 1-2)

Ehrlichman told the President that Colson said the President had total and complete control over whether Dean got immunity through Petersen and that Colson would be glad to come in and tell the President how to do it, why, and all that stuff. The President said that he did not want Colson to come in, that he felt uneasy about that, his ties and everything. The President said, "I realize that Dean is the (unintelligible). Dean, of course, let's look at what he has, his (unintelligible) and so forth about (unintelligible) go popping off about everything else that is done in the government you know, the bugging of the --" Ehrlichman said that the question was "which way he is liable to do it most." The President said that if he got immunity, he would want to pay just as little price as he could. Ehrlichman responded that the price, the quid pro quo for immunity was "to reach one through us to all of us." Ehrlichman said Colson argued that if he were not given immunity, then he would have "even more incentive to go light on his own malfactions [sic] and he will have to climb up and he will have to defend himself." (p. 2)

The President said that when he talked to Dean he told him he understood the tactic of all three resigning and that Ehrlichman and Haldeman had offered to resign. Haldeman asked whether they had told him that the price of his immunity was that they resign, did they

feel that made their case or did he have to give them evidence? The President replied, "I don't know. He's going to have a tough time with that." (p. 3)

Ehrlichman told the President that his action plan involved the President's suspension or firing of Dean in the course of an historical explanation of the President's reliance on the Dean report and his apparent unreliability. The President replied that Garment had been in that day and said that it was going to come out anyway, and that was Petersen's view, as well. The President said Petersen told him on Sunday that it was all going to come out and Haldeman and Ehrlichman were going to resign. The President said he had asked Petersen again the preceding day, saying that it was "pretty damned flimsy," and Petersen said that he was not talking about legal exposure but about the fact that "as this stuff comes out they're going to be eaten, but eaten alive" and that the clamor will be something the President could not stand. The President said he asked Petersen if it would be better "to get leave or something," and he said, "No, this is the government," that they couldn't later have Haldeman against Dean, and Haldeman against Ehrlichman, Ehrlichman against Dean, because they'd definitely say, "Mr. President, can't you let these fellas - -" (pp. 3-4)

The President said, "That's an argument to be made," that it was Garment's argument and he guessed Rose agreed with it. The

President said that his problem was "at the present time, I just don't want to have to talk to each of these sideline people individually, 'cause I don't know." After some discussion of whether a Times leak was from Garment or the Justice Department, the President said that Dean supported the Garment plan and had talked to Garment. (p. 4) Ehrlichman said that Dean had talked "to everybody in this place," and the President said, "I told him not to talk to him any more." The President then said, "But you see Dean -- let's see, what the hell -- what's he got with regard to the President? He came and talked to me, as you will recall, about the need for \$120,000 for clemencies --" Ehrlichman said, "You told me that the other day, I didn't know that before," and Haldeman said, "so what?" The President continued, "I said, what in the world John, I mean, I said John you can't (unintelligible) on this short notice. What's it cost (unintelligible) I sort of laughed and said, 'Well, I guess you could get that.'" Ehrlichman asked, "Now is he holding that over your head?" The President replied, "No, No, No, I don't think Dean would go so far as to get into any conversation he had with the President -- even Dean I don't think." Haldeman said Dean could not, mentioning executive privilege. The President said, "[Y]ou've got to figure that Dean could put out something with somebody else." The President said to Ehrlichman that that was the only thing Dean had told him but that he had not yet asked him about the Liddy thing with Ehrlichman. Ehrlichman said, "Oh well,

they'll be one of those a day." The President asked, "Well, the point is can we survive it? . . . Can Haldeman and Ehrlichman survive it." The President said he knew that "you'll go out and throw yourselves on a damned sword," that they were "the two most valuable members on the staff. . . [,] the two most loyal and the two most honest." The problem, the President said, was that "I do not want to be in a position where the damned public clamor as it did with Eisenhower, with Adams, makes it necessary or calls -- to have Bob come in one day and say, 'Well Mr. President, the public -- blah blah blah -- I'm going to leave.'" That was the real problem, the President said, and he didn't think kicking Dean out would do it, though he was not ruling out kicking him out. "But I think you got to figure what to hell does Dean know. What kind of blackmail does he have? I don't know what all he does --" (pp. 5-6)

Ehrlichman then suggested that the President had Dean telling him that he had talked to the U. S. Attorney and told him a lot of things he had done wrong, so the President should put him on leave. The President said that he had asked Dean that, and Dean said he would go on leave along with Haldeman and Ehrlichman. Ehrlichman said that Dean was not in any position to bargain with the President on that. The President said that Ehrlichman had been charged by a U.S. Attorney and Petersen, but Petersen was not charging Ehrlichman with legal wrongs. Ehrlichman said that was what he meant, that he understood the difference, and that Dean had broken the law. The President said Petersen had told him that, because of the evidence,

"Haldeman and Ehrlichman should (unintelligible) now I'm faced with that damned hardship." (pp. 6-7) At this point in the transcript, there is a deletion of "material not related to presidential actions." (p. 7)

The President then returned to Colson's thought that it would be in order not to give immunity and asked what he should tell Petersen about immunity for Haldeman and Ehrlichman. Haldeman replied, "Well, tell him not to give us immunity either." The President said, "(unintelligible) that's a problem. Now, come on!" Haldeman said that it was none of his (presumably Petersen's) business whether the President suspended them or not, it was the President's decision. The President said he knew it was, but that if he didn't suspend them, he (presumably Petersen) would give him (presumably Dean) immunity. "That's the problem (unintelligible) unbearable." Dean, said the President, "is the guy that he's got to use for the purpose of making the case." (pp. 7-8)

The President said Petersen said he legally had a case on Ehrlichman and that on Haldeman it would have a lot to do with what Strachan and Kalmbach said, "the 350 thing and that sort of thing." Haldeman said, "Kalmbach has no relation to me on that." The President asked, "Have you given any thought to what the line ought to be -- I don't mean a lie -- but a line, on raising the money for these defendants? Because both of you were aware of what was going on you see-- the raising of the money -- you were aware of it, right?" Ehrlichman said, "Yes, sir." The President continued,

"You see, you can't go in and say I didn't know what in hell he wanted the \$250 for." Haldeman said, "no." The President said, "You say that our purpose was to keep them from talking to the press," and Ehrlichman said that was his purpose and that before he got too far out on that he wanted to talk to an attorney and find out what the law was. The President replied, "Right!" Haldeman said, "That's just what I want to do too." The President said, "Right. Good." He continued that he thought that it involved "all our people," including Kalmbach and what Kalmbach was told. Ehrlichman told the President, "[W]hen the truth and fact of this is known, that building next door [EOB] is full of people who knew that money was being raised for these people." The President said, "Many who know, but there were not so many actors. In other words, there's a difference between actors and noticees." Ehrlichman said that he was not an actor and that he wanted the President to think very critically about the difference between knowledge of the general transactions going on and being an affirmative actor because that was the difference between him and Dean. (pp. 8-10)

Ehrlichman questioned whether in the orderly administration of justice it looked right for anybody in the White House to get immunity, no matter how many other people he implicated. (p. 10)

The President and Haldeman then discussed Garment's view on whether there should be a public statement that day. (pp. 10-11) The President then said that LaRue and Strachan had been called, Dean "might put up a story of the times," and "[y]ou never know. We don't

need a Haldeman/Ehrlichman." Ehrlichman replied that it was "typical Dean position"; if Dean was treated different from them, he would say he was a scapegoat for higher-ups. Haldeman said that figured because he knew Ostrow and Ostrow covered Justice. The President speculated about whether the press had any more; and Haldeman said that he thought they probably had more in the Committee, not in the White House, that he didn't know what it could be unless they got Colson stuff, and that Colson was the only area where there was any jeopardy in the White House. (pp. 11-12)

Colson's position with regard to Dean was further discussed. The President said that if he told Dean to leave that day Dean would go out and say that the President was covering up for Ehrlichman and Haldeman because the President knew what he knew. The President said, "I'm trying to look and see - John - what to hell we are really up against. First it was Liddy (unintelligible) scapegoat, now John Dean is," Haldeman said the answer, if Dean said it publicly, was that "the President is not covering up for anybody and will not tolerate -- The President said that the way Dean put it to him was very cute, that he said that if Haldeman and Ehrlichman were willing to resign he would too, leading the President to the conclusion that Dean was doing what his attorney told him to do.. Ehrlichman agreed, saying that it would be argued to the U.S. Attorney that the President thought enough of Dean's charges to let these guys go. Dean, said Ehrlichman, had in effect confessed the commission of crimes to the President. The President said, "And charges you. . . .And I said, 'Now wait - these charges are not --' and you see he also has an alibi in the U.S. Attorney --" (pp. 12-14)

Ehrlichman returned to his plan, which he said would involve a recounting of how the President got into his personal investigation by reason of Dean's being unable to reduce his full report to writing for the President, that this rang a bell, and that the President personally turned to and had spent a great deal of time in the last several weeks on this and had seen dramatic progress in the grand jury in the last several days. That, said Ehrlichman, would be Step 1, and in addition the President would say that the Ervin committee had come up with a good set of ground rules. The President asked about executive privilege before the Ervin Committee. Ehrlichman said it was reserved, and the President said fine. Haldeman said, "At this point, the way we're in the soup now, we can lose nothing by going. . . .I think we may gain," and the President agreed. (pp. 14-15)

Ehrlichman said that was all he had for today, but he said, "[I]t gets you into the case -- its you leading it. It notices the progress and the Grand Jury as related to your efforts and it doesn't say what they are." The President said that the point was that the story today was that Dean was suspended and then Dean was going to be out saying the President had indicated that Haldeman and Ehrlichman might go, too. (p. 15)

Haldeman suggested that Dean not be suspended, but that he be instructed not to come to work any more, and that the same be done for him and Ehrlichman. Haldeman said he had concluded that his course was that he had to put out his story, in total and in

his words, before he went to the Senate Committee. The President said he thought Haldeman would never get to the Senate Committee because the hearings would never go forward. Haldeman said he thought there was no chance of their not going forward; it would be great if they did not and maybe then he would never tell his story; but his view was that at some point in time he was going to have to tell it. The President suggested that Haldeman reserve the right to tell his story until he felt he had to go to the Committee hearings or he got to a point where he was nibbled to death. Haldeman added until a partial charge came up, for instance if the grand jury leaked or the Justice people leaked the Strachan stuff, forcing his hand. (p. 16)

Subject to attorney's advice, Haldeman and Ehrlichman asked to be relieved of their normal duties in order to prepare for their appearance. Both asked to be able to come into the office, Ehrlichman saying that he needed to get to records, date books, and correspondence to prepare a defense. Ehrlichman told the President that he had "pretty much unplugged myself of my day-to-day stuff, because with this kind of stuff going on you just can't think about anything else." The President replied, "Of course, it's been a little hard for me to also." (pp. 16-18)

The President asked about Dean coming in and said he thought he had told Dean to have nothing more to do with this case. Ehrlichman said if that was so Dean was "sure not following out your orders." Ehrlichman said that he imagined Dean had "carted

stuff out of here by the bale," and Haldeman said that if the President suspended him or told him to leave in any way "you also move in to take care of his files." (pp. 18-19)

The President asked whether he could tell Dean that Haldeman and Ehrlichman had requested to be relieved of their main duties to prepare for their grand jury appearance. Haldeman said that the trap the President would be falling into there was that he would be admitting to Dean that he regarded the allegations Dean raised against Haldeman and Ehrlichman as of the same validity as Dean's own criminal admission to the President. The President said there were two different levels, and Ehrlichman said then that was the way it ought to be put. Ehrlichman said Dean had "brought in a lot of silly garbage about me which doesn't add up to a nickel's worth of a law suit," but had told the President that he had been involved "in all kinds of stuff," and it was "a very different qualitative problem." (p. 19)

The President wondered whether or not he trapped himself by telling Dean that both Haldeman and Ehrlichman offered to resign. Ehrlichman said he had offered to resign at the President's total and sole discretion and the President didn't have to have a reason. (pp. 19-20)

The President said that Petersen realized that before he could try to give Dean immunity he had to have corroborative testimony on the value of Dean's evidence and that was what Petersen was trying

to get by calling Strachan, Colson, Kalmbach, et al. The purpose, the President said, was to get corroborative evidence that Dean's evidence was so valuable as far as other people were concerned that he should therefore be given immunity. The President asked Ehrlichman if that made any sense. Ehrlichman said he didn't know, and the President said, "But you see what his tactic is?" (pp. 20-21)

Ehrlichman said he didn't know what the previous commitment to him (presumably Dean) was, but that he was not being fired or suspended, he was being directed to stay away from the office. The President said that he might put it that since he was talking to a U.S. Attorney, if he could put it that way "I might be able to make some hay. Bring the U.S. Attorney in. And I'll say don't give him immunity." Ehrlichman added, "From a public policy standpoint." The President again described what Petersen had told him. (p. 21)

Ehrlichman told the President, "If this is awkward for you, the best thing you should do is get rid of me, . . . once and for all." Anything short of that, Ehrlichman said, it seemed to him the President had to take into account qualitative differences. (p. 22)

Ehrlichman said that if the President did not want to make a formal suspension of Dean, the thing to say was "I want you to stay away from the office. Just don't come around, because I know everything that happens in this building is being funneled directly to the U.S. Attorney through you, or I have reason to think that, and I cannot have that situation." (p. 22)

The President asked Ehrlichman if his fear was Dean getting immunity, and Ehrlichman said it was that Dean or anybody in the White House getting immunity "is in itself treatable as a cover-up." Ehrlichman told the President that the things Ehrlichman would have to say about Dean would be "that Dean was the sole proprietor of this project, that he reported to the President, he reported to me only incidentally." The President asked about Dean's reporting to the President, and said to Ehrlichman that the problem Ehrlichman had there was that Dean had a point that Ehrlichman had to realize. Dean, the President said, did not see him until the day Ehrlichman told the President he ought to talk to Dean. The President said he thought that was in March. Ehrlichman replied, "All right," and repeated that the basic point was that Dean was in charge of this project. The President said, "He'll say he reports to the President through other people" Ehrlichman said, "Well, O.K. Then you see what you've got there is an imputation. He says . . . 'I told Ehrlichman that Liddy did it.' What he is saying is that, 'I told the President through Ehrlichman that Liddy did it.' " Haldeman said that meant that "it was perfectly acknowledged as far as Ehrlichman was concerned and there was nothing that you were required to do about it anyway." "That's right," Ehrlichman said, "But you see I get into a very funny defensive position then vis-a-vis you and vis-a-vis him, and it's very damned awkward." Ehrlichman said he hadn't thought it clear through and didn't know where they came out. (pp. 23-24)

The President referred to "Dean's little game here," and said of course Dean didn't report to the President. "I was a little busy," the President said, "and all of you said, 'let's let Dean handle that and keep him out of the President's office.' And maybe you didn't want him in there for other reasons too. But he did." (p. 24)

The President said that Dean would then say who the hell did he report to. Ehrlichman said, in many cases, to no one "[h]e just went ahead and did things." (p. 24)

Ehrlichman said that he had checked his records for last year and that he saw Dean less than five times a month. Matched against the substantive things he was doing, Ehrlichman said, "Dean becomes practically the least of my worries." The President asked Haldeman about his meetings with Dean, and Haldeman said he had no idea, he didn't have a log. The President said, "The only thing he doesn't have is the fact that should have come in to see me." The President guessed that Ziegler talked to him, and Ehrlichman said Moore had, frequently. The President said, "[B]ut I haven't talked to Moore either, have I?" Ehrlichman repeated that he had to think this through, he just didn't know where it led. (p. 25)

The President said that John Dean's highly sensitive information was on only one count. He said, "Strachan has got to be worked out. I don't know how that's going to work out." He asked Haldeman whether Strachan had the plan and said it remained to be seen what Strachan would say about whether he had a plan and

showed it to Haldeman. Haldeman told the President that he apparently said he did not. The President said the other point was whether Strachan got information that is clearly identifiable as being telephone taps. Strachan, said the President, would probably say it is not. "And so, that's that." (pp. 25-26)

Haldeman said that the discrepancy between Strachan and Magruder was because what Strachan got, it turned out, was not from that but something else. Strachan would say, Haldeman continued, that it was Operation GEMSTONE, not Operation SEDAN CHAIR -- and GEMSTONE wasn't Watergate, so that would uncover that there was something else they did. Haldeman said he didn't know what it was. The President told Haldeman that "they tell me that GEMSTONE was the code word for everything." Haldeman said he thought SEDAN CHAIR was the Watergate thing, that GEMSTONE is the total thing, then that was what Strachan got his reports from. And, Haldeman said, it was a "confidential sources indicate that . . . , "according to Strachan, and did not clearly identify. Haldeman said he couldn't tell the President anything else, and the President said, "I want you to know what he's told me." (pp. 26-27)

The President returned to the question of the options on Dean, "what we turn loose here." Ehrlichman suggested that the press plan might give them some guidance. Ehrlichman said that if they said in the press plan that the President got concerned, the question would be asked why the President did not get concerned sooner, since this had been in the paper for months and months. Ehrlichman suggested

the response could be that the President was resting secure in the belief that he had the whole story. Ehrlichman then asked, "Well, what made him insecure?" The President said, "Do I ever ask Dean in and ask him answers? The answer is no." Ehrlichman replied, "No, but the point is that you were resting secure on his assurances." (p. 27)

Haldeman asked the President whether he had not at some point got a report from Dean that nobody in the White House was involved, and Ehrlichman asked whether they hadn't put that out way back in August. The President said that it was never in writing, that Dean never came in and told him orally, that he had never seen John Dean about this matter until Ehrlichman suggested that he had better see John Dean. Ehrlichman told Haldeman that he had better check back in July, when they were in San Clemente, that his recollection was that Dean did come and see the President at that time. The President said, "Oh - by himself? No"; and Ehrlichman said by himself or with one of them, he didn't know. The President said, "He may have come in . . . I hope he did, I hope he did. But he might have come in sort of the end, and someone said, 'Look here's John Dean from Washington,' and I may have said, 'Thanks for all your hard work.'" (p. 28)

Ehrlichman suggested they "follow this line and see where it leads us." The President, said Ehrlichman, rested secure in the belief that his Counsel had investigated this and assured him that nobody in the White House was involved. Ehrlichman then asked, "[W]hat moved him off that belief and assurance? Well, what moved him off

was the sequence of events leading to John Dean being sent to Camp David to write it all down." The President said, "What moved him off first were reports that occurred in the court testimony." The President continued by saying that charges were made by McCord, and the President ordered a full investigation. Ehrlichman said, "Well, the first thing you did -- and maybe you can avoid saying this -- but you're saying you ordered a full press investigation when Dean came back and said to Bob, 'I can't write that down.'" The President said that Dean also told the President that. Ehrlichman said that then that rang a bell, because if Dean could not write that down "we must have problems bigger than I ever thought," and that was when the President put on "the full court press." The President asked if Ehrlichman had dates on this, and Ehrlichman said he did. (pp. 28-30)

Ehrlichman then spoke about what Dean said on that. Dean said, according to Ehrlichman, that the reason he could not write it down was that Dick Moore and others said, how could he write it down and draw the wagons up around the White House? Ehrlichman asked whether that phrase was not a Dean phrase. Haldeman said, "Sure," and that Dean's line was that "you could do that because there was no problem at the White House, the problems were at the Committee." The President asked what Dean's line was before he deserted, and said, "My point is -- you've got to watch out. He may say, 'Well, they were trying to get me -- conspired to get me to write a report that was untrue.'" Ehrlichman said he understood, except that Dean was sent to write it without anybody being near him, and the President

said, "Except Moore (unintelligible)". Ehrlichman said that he was sure that when Dean went through this exercise it was impossible for him to write it down without it being a confession and that Dean said, "My God, I don't know how this case is going to break, but I'm crazy to have a piece of paper like that around." (p. 30)

The President asked who had conducted the investigation. Ehrlichman said the way they had it, it didn't say. Haldeman said other staff members, Ehrlichman, Moore, Garment, Haldeman. The President said, "That's right." (p. 31)

Ehrlichman continued that the President had then contacted some people and told them not to hold back on his account. The President said, "Yes, like Hunt -- Liddy" and, Ehrlichman added, Mitchell and Magruder. The President said, "I passed the word to all sources that everybody was to talk, to tell the truth, which I had done previously. . . . I reaffirmed specific terms to specific people." Haldeman suggested that the President had reason to believe that they might have a misapprehension on it. The President asked who were those people, and said that he should not say. Haldeman agreed, and the President continued that you could not list the people because it would prejudice them. The President said he talked to all parties concerned and told them that if there was a shred of information they might have on the case, he reaffirmed what he had said publicly that they must cooperate fully and tell the whole truth. Then, the

President said, they came to the preceding weekend, and on Saturday a major development occurred. The President said that he could not say "that as a result --," that would be an overstatement. (pp. 31-32)

On Sunday, the President continued, he could not say he talked with Kleindienst. Ehrlichman reminded the President he had informed Kleindienst on Saturday. The President said he had informed Kleindienst, and that in response to the question whether the President had informed Kleindienst in person, he could say he had passed the information. At his direction, the President continued, Ehrlichman filled in the Attorney General completely on the information they had found. Ehrlichman said that Ziegler or the President could then turn it over to Petersen and let Petersen say something innocuous. The President continued that he had directed Petersen to "direct me personally on any developments" and that any member of the White House staff or the Federal Government was to be available to the grand jury and would be directed by the President to testify. Then, the President said, "you come to the next thing," and he described "Garment's scenario," that the President had asked any government people who were directly or indirectly subjects of the investigation to be relieved of their duties. Anyone who refused to cooperate would be dismissed, and anyone would be given leave until his trial was finished and he had an opportunity to have his day in court. (pp. 32-33)

Ehrlichman raised the question of anyone granted immunity. The President said, "[W]e're not telling Dean not to talk. I direct everybody to talk, but nobody is to given immunity." Ehrlichman said, "In other words, . . . there are plenty of ways of proving a case around here -- besides granting some fellow immunity. . . . You don't need that, and it looks like what you are doing is letting somebody off scott free." The President said, "That's right. Also, it looks like a cover-up." Haldeman added, "And particularly somebody - personally associated - in this case." Ehrlichman suggested that maybe the point Petersen was missing, maybe intentionally, was that Dean was "a major act in this thing." "[I]f a major actor gets immunity and just walks away from the White House having committed 89 crimes," Ehrlichman said, and "it was the President's Justice Department and the guy who ran it reported to the President daily, that would say, 'Gee, I didn't want my Counsel to get hurt.'" (pp. 34-35)

The President asked whether he should have any more conversations with Dean. Ehrlichman said he should not, he should send him a note or have Kehrli or somebody call him and tell him not to come to work anymore, that he wasn't suspended or fired, but that he was not to come into the office. The President said, "That's a good tough way," and asked what Dean could do. Ehrlichman said he thought he could not do anything. Haldeman said Dean hadn't been to work for a month anyway, and Ehrlichman said he had been talking to the U.S. Attorney the whole time. The President said he had called Dean that morning and told him he wanted to talk to him about that

appointment June 19, but he didn't think he had better get into than any more. And, the President said, "he's going to give me some song and dance." (pp. 35-36)

Ehrlichman told the President "for your private information" that he had gone back to the participants in the meeting where he was supposed to have ordered that Hunt should be sent out of the country and to a man they said it didn't happen, that if it had happened they said it would have been burned into their recollection. (p. 36)

The President then said "You better damn well remember being -- The main thing is this, John, and when you meet with the lawyers -- and you Bob, and I hope Strachan has been told -- believe me -- don't try to hedge anything before the damned Grand Jury. I'm not talking about morality, but I'm talking about the vulnerabilities." Ehrlichman said, "Sure, good advice." The President continued, "You guys -- damnit -- I know you haven't done a damned thing. I do know this -- they've tried to track on prejury [sic] -- you're going have that --" Ehrlichman said, "Fortunately I have good records," that he knew who was in the meeting and so was able to call. (pp. 36-37)

The President said that the point was "now they talked to people." He said that he supposed Fielding had put those things in the bag, and Ehrlichman replied that it was Fielding or Dean, he didn't know. The President asked whether he inventoried and who was to testify what was in the bag. Ehrlichman said he didn't know. (p. 37)

Ehrlichman said that Dean was the guy who made the call sending Hunt out of the country and on Friday Dean had called Colson and asked him whether he remembered the meeting in Ehrlichman's office where Ehrlichman had said deep-six and send Hunt out of the country. According to Ehrlichman, Colson told Dean it never happened. Ehrlichman said that Dean was "out around planting his seeds," and Haldeman said that Dean was playing "the Magruder game - flying from flower to flower - planting his pollen." The President said, "I think those (unintelligible) you got very clever liars. I told you this before -- very clever liars." (pp. 37-38)

The President returned to the subject of what to do with Dean. Ehrlichman suggested that the President tell Dean that he could not have Dean "sit there as an agent of the U. S. Attorney," and the President said he had indicated that already. Dean's files were then discussed. Haldeman said that Dean "will say the same thing you [presumably Ehrlichman] just said," that he needed his files to prepare for the grand jury. If the President was telling Dean not to come in, Haldeman said, Dean would say he would send a truck over and have his files brought to his home. Haldeman suggested that the President tell Dean that all the files were the President's, and Ehrlichman suggested they wait until the question came up. The President said, "I don't think you can write him a note. It's going to anger him anyway. No sense in doing that. See what I mean? We've got to remember whatever he is doing -- I don't mean that you can't -- he's going to do anything to save his ass. That's what is

involved. . . .You got to remember (unintelligible) he put this a lot higher. He could say, 'Well, I told the President about \$127,000, that we needed \$127,000 and the President said, well I don't know where we could get it, I don't know.'" Haldeman said, "How could you do that though -- that's true (unintelligible)." (pp. 38-40)

Ehrlichman said, "I'll tell you how you might be able to handle that." The FBI had just served a subpoena on the White House police, Ehrlichman said, asking that they produce the names of people cleared into the WH/EOB complex on June 18, 1972. The President asked where they were then, and Haldeman said they were in Florida. The President said, "Well, maybe that's an unsafe thing." Haldeman said that that was "your other problem," there was a WH legal case and no WH lawyer. (pp. 40-41)

The President asked where Fielding stood on all this, and Haldeman said that Dean sponsored Fielding, but that did not necessarily mean Fielding went Dean's way. Haldeman said Fielding was "an honorable guy -- provincially so -- who may not like what Dean is doing any more than we do." (p. 41)

The President asked if what they wanted to do was get Dean out of the WH, but Colson's recommendation was to fire him. Ehrlichman said Colson would like to discredit him, and the President said he knew, "[b]ut the question is what he could do to discredit us. . . . That's a problem." Haldeman said, "Yeah. But I think at some point,

like you do on anything else, you gotta face up to the fact that the guy is either a friend or a foe -- or a neutral. If he's a neutral you don't have to worry about him; if he's a friend you rely on him, if he's a foe you fight him and this guy -- it seems at this point -- is a foe." (pp. 41-42)

The President said that when he talked to Dean he had told him, "Now John, any conversations are (unintelligible). . . . Anything (unintelligible) National Security are (unintelligible) you understand?" and Dean had said, "Yes." Haldeman said Dean said it and it was no problem for him to say it, but it was no problem for Dean to say a lot of things to them over the last couple of weeks. The President said, "The point is, if you break it off with him, then he could go out and say, 'Screw the (unintelligible).'" Haldeman replied, "No he can't. It's not his privilege. It's yours." The President said, "I know it's mine, but --"

The President then said, "Well, I think you have to charge Henry Petersen or whoever is in charge here with protecting your privilege and then that's got to go down to Silberman [presumably Silbert] and Silberman has to be cautioned that he is not to go into matters of executive privilege - he is not to go into matters of national security importance. Any matters involving a conversation with the President -- or national security, anything like that, they can ask me." (pp. 42-43)

Ehrlichman then talked about "this caper in California," the Hunt "national security connected Ellsberg" thing. Ehrlichman said he thought Petersen knew about it, that it was laying around someplace over there. Ehrlichman said Colson had asked him how to handle the question if it came up, and Ehrlichman said he told Colson that he would say it was a national security project and he would have to refer a question on it to the President for a waiver of executive privilege if the President desired to do that. Ehrlichman said Colson asked whether he could say the same thing and that he had told Colson he did not know whether Colson could or not. He said Colson asked what the President would say if it were referred to him and that he had told Colson he did not know and would ask the President. The President told Ehrlichman that was what they would say and he could tell Colson that. The President said, "Anything on the (unintelligible) thing, the plumbing thing was national security, the ITT thing. No, I can't believe it was that -- you know -- the Hunt thing there. That will just have to handle the way it is." (pp. 43-44)

Ehrlichman said that whoever operated this at the Justice Department had to be told that the inquiry must not jeopardize the President's privilege. "Some day they're going to try and put you in a crunch spot." The President said, "Sure." Ehrlichman said that they would put a question to him and he would say he could not take that question and would be back to the President and "it's going to be hard." The President said, "No turning it off. It's national security." Ehrlichman said, "Or if it is something that you and I have discussed directly," and the President said, "(expletive removed) it." (pp. 44-45)

The President then raised the subject of the talk to the President about "\$127,000 we had to get or were able to get it or something." The President said he did not know why it was at that point that they were still working on money for Hunt. Haldeman said that was the one Bittman got to Dean on, that "[h]e really cranked on it" and was very concerned or professed to be concerned because Bittman's threat was that Hunt said that if they did not get it for him he was going to tell them about all the seamy things he did for Ehrlichman. Haldeman said that, when Dean hit Ehrlichman on that, Ehrlichman's immediate reaction was to let him go ahead, there was nothing he could hang Ehrlichman on. Haldeman said that Dean did not like that answer and went on worrying about the money. The President said, "Told me about it." Haldeman said that he had told the President and told Haldeman, that Haldeman was there when Dean told the President. The President said, "Good. What did we say?" He reminded Haldeman that Dean had said "How much is it going to cost to keep these, these guys (unintelligible)" and the President had just shook his head. Haldeman said, "If there's blackmail here, then we're into a thing that's just ridiculous . . . but you can't say it's a million dollars. It may be \$10 million dollars. And that we ought not to be in this --" The President said, "That's right. That's right." Haldeman continued, "We left it - that - we can't do anything about it anyway. We don't have any money, and it isn't a question to be directed here. This is something relates to Mitchell's problem, Ehrlichman has no problem with this thing with Hunt. And

Ehrlichman said '(expletive removed), if you're going to get into blackmail, to hell with it. "' The President said, "Good (unintelligible) Thank God you were in there when it happened." He asked Haldeman if he remembered the conversation, and Haldeman said yes. The President asked, "I didn't tell him to go get the money did I?" and Haldeman said no. "You didn't either did you?" the President asked, and Haldeman replied, "Absolutely not! I said you got to talk to Mitchell. This is something you've got to work out with Mitchell -- not here -- there's nothing we can do about it here." The President said to Ehrlichman, "We've got a pretty good record on that one, John, at least." (pp. 45-47)

Haldeman said that there were "a couple of complications he can throw in there" which would be of concern, but that Haldeman could not "see him sinking low enough to use that." Haldeman admitted that "the guy has really turned into an unbelievable disaster for us," but he was not "unAmerican and anti-Nixon." Haldeman said that during that period Dean had "busted his ass trying to work this out," and it "wore him to a frazel [sic]," and that Haldeman thought "it probably wore him past the point of rationality." Haldeman said he thought Dean might now be in a mental state that was causing him to do things that "when he sobers up, he's going to be very disturbed about with himself." The President said that part of the problem also was probably that he had a very, very clever new lawyer. Haldeman said that could very well be, but that he could not believe that Dean was a basically dishonorable guy. (pp. 47-48)

The President said "But in that conversation I was -- we were -- I was -- I said, 'Well for (expletive removed), let's --'" Haldeman told the President, "You explored in that conversation the possibility of whether such kinds of money could be raised. You said, 'Well, we ought to be able to raise --'" The President said "That's right." Haldeman continued "'How much money is involved?' and he said, 'Well it could be a million dollars.' You said, 'That's ridiculous. You can't say a million. Maybe you say a million, it may be 2 or 10, and 11.'" The President said "But then we got into the blackmail," and Haldeman told the President, "You said, 'Once you start down the path with blackmail it's constant escalation!'" The President said "Yep. That's my only conversation with regard to that." Haldeman said "They could jump and then say, 'Yes, well that was morally wrong. What you should have said is that blackmail is wrong not that it's too costly.'" The President replied, "Oh, well that point (inaudible) investigation -- . . . You see my point? We were then in the business of -- this was one of Dean's -- when he was . . ." The President asked whether it was after they sent him to Camp David. (p. 48)

After some discussion of when that was, the President said "I suppose then we should have cut - shut it off, 'cause later on you met in your office and Mitchell said, 'That was taken care of.'" Haldeman said that was the next day, and the President said that Dean was there and said, "What about this money for Hunt?" Haldeman said that what had happened was that he, Ehrlichman, Dean and Mitchell were

in Haldeman's office discussing other matters, and that Mitchell had turned to Dean and said something like "Let me raise another point. Ah, have you taken care of the other problem - the Hunt problem?" Haldeman said he didn't know how Mitchell referred to it, but they all knew instantly what he meant. Haldeman said Dean looked a little flustered and said no, he didn't know where that was, and Mitchell said "Well I guess[sic] it's taken care of." Haldeman told the President, "And so we assumed from that that Mitchell had taken care of it, and there was no further squeak out of it so I now do assume that Mitchell took care of it." Haldeman said LaRue was Mitchell's agent, and the President said, "I understand that. . . . I'm just seeing what Dean's lines of attack are." Haldeman said there was no question he, Haldeman, knew about it. The President said "Say, 'Yes, there was talk about it and so forth - and Mitchell took care of it.'" (pp. 49-50)

Haldeman said that "Dean is the agent on it. Dean is coming in and saying what should I do. Dean's the agent on all this - that's where my money goes. All the input to me about the 350 came from Dean, and all the output came from Dean." Haldeman said that Dean said they needed the money for the defense, for their fees, that it was always put that way, that was the way it was always discussed. The President said "Right - that's why I want that line. I think that's most important. You can work on -- Get a lawyer." (p. 50)

Haldeman said that he told Dean that they had the 350 (actually, Haldeman said, it was 328) in cash that they had to get turned back to the Committee, apparently they had a need for money, so they had a coincidence and Dean ought to be able to work out some way to get them to take the cash. Haldeman said he told Dean that would "take care of our needs and we help meet their needs." Haldeman told the President that Dean went back to Mitchell and Mitchell wouldn't do it. Then, Haldeman said, they agreed to take forty thousand of it, which they did, and shortly thereafter to take the rest, which they did. Haldeman said it was not before the election, and the President said that Dean said it was. Haldeman said Strachan said it was in late November, the 30th or something like that. (p. 51)

Ehrlichman said that it was Howard, not Strachan, that went over with Colson's partner as his lawyer. Haldeman said that Strachan acquired his lawyer from somebody he knew in law school. Ehrlichman said Colson had pitched him to retain his partner, which Ehrlichman thought would be a mistake. The President said, "You can't retain his partner." Ehrlichman said it would be a big mistake because it would create identity between him and Colson, and Haldeman said Ehrlichman would be out of his mind to do it. The President said, "Don't get in there with Colson. He'll defend himself." Haldeman said that Colson saw that as a way of getting in and they should

not give Colson reason to get squeamish. Ehrlichman said he was cultivating him, keeping him on the team, and that Colson felt there was a coincidence of interest between the President, Ehrlichman, and Colson. The President said, "Right. Fine." (pp. 51-52)

The President went back to the question of whether they should make a statement that day, saying he thought they should. Haldeman agreed, and said Ziegler should make it. Ehrlichman said that it should be a carefully limited statement, and the President said, "No questions." Ehrlichman said he thought it should be very tight, very conservative, thought through "so that you can stay away from the soft places." He said that across the country people were waiting to see the President's face on the evening news talking about the Watergate case and making more assurances. Haldeman said that the Watergate story was on page 19 in the Washington Post that day, and the President said, "And it'll be page 19 five months from now if we handle it right." (pp. 52-53)

The President returned to the subject of Dean, and Ehrlichman said that if the President could get the result of having Dean out of the office, he wouldn't worry about the files. Ehrlichman suggested that the President could put in on the basis that he could get a file he needed on loan, so that the President would at least be able to monitor what he got. Ehrlichman said the President should tell him that in view of his relationship with the U.S. Attorney's office, the President did not think it was

prudent for him to be on the grounds and that he would have to work someplace else. Haldeman suggested the President could say that there would be no appearance problem because Dean had been away for a month anyway. Ehrlichman agreed, and continued that if they were asked in the press room about Dean's status, they could finesse it, and say he had not been placed on leave or fired. Ehrlichman told the President he could say to Dean that if Dean didn't bring it up, they wouldn't, and that if it leaked it would have to leak from Dean. Ehrlichman suggested that the President tell Dean that he would make an appropriate arrangement with Haldeman and Ehrlichman, but that he could not be in a position to have Dean dictate to him what it should be. The President said, "I can tell him, 'I've made an appropriate arrangement, but it's got to be in my own way, depending upon what each is doing.'" The President said that they were not asking anybody to resign because that would prejudice their rights. The President asked Ehrlichman if he was rejecting the Garment proposal that everybody leave until everybody is clear. Ehrlichman said that he thought a leave was the same as being fired in this context. (pp. 54-55)

The President said that his view of what was going to happen was that when they had finally made their deal with Magruder, they would take him into open court, and then charges would be made, at least as far as Magruder was concerned. Haldeman asked if they said Magruder made charges against him. The President

said he didn't know whether or not he did, but he was certainly going to say that Dean and Mitchell were involved. Ehrlichman added that he would say Strachan was involved. Ehrlichman said that Strachan was Haldeman's employee, but that if the judge asked if Haldeman told him to do anything or this or that, Strachan would say no, Haldeman was never involved in this. Haldeman and Ehrlichman said that was what he told them he would say, and Haldeman said that he flatly said that was the truth, and it was the truth. (pp. 56-57)

The President asked Haldeman and Ehrlichman about "being eaten away and then having to come in and say look, 'I'm so impaired, I --.'" Haldeman said he didn't expect to be eaten away. He said he thought that when he got hit publicly, say by Magruder or by Dean, as soon as he was known publicly, he should request the President to give him a leave of absence so he could deal with the matter until it was cleared up. The President asked Ehrlichman if he agreed. Ehrlichman replied that it would depend a little bit on degree. (p. 57)

The President asked what if the Assistant Attorney General came in and said Magruder and Dean had made charges and suggested the President should act. Ehrlichman said that the President should tell the Assistant Attorney General that his policy was that he would immediately suspend anyone against whom formal charges were filed and say, "This is a town that is so full of wild charges that if I operated on any other basis, even of those who were brought

to me by 20 Bishops and an Attorney General, I couldn't be suspending people around here or the place would look like a piece of Swiss cheese. But let me suggest you do this. You go ahead and diligently pursue the Haldeman and Ehrlichman case because I need to know." Ehrlichman continued that the President should tell the Assistant Attorney General that if he came to the President and told him he had filed charges, the President would have no discretion. The President said that if he told him he was planning to indict, he would move instantly, before it was done publicly. Ehrlichman said the President should say he couldn't treat them different than anybody else, that "you have brought me basically, uncorroborated charges. You've said so yourself that you aren't going to be able to deal with Dean." The President said, "I feel comfortable with that." (pp. 57-59)

Ehrlichman mentioned that the New York Times was writing an editorial about a terrible cancer at the heart of the Presidency, that there must be drastic surgery. Ehrlichman said that they would hear a lot of that and maybe the thing to do was for Ziegler to make a statement on the President's policy. The President suggested he should say that today, and there was discussion of getting Ziegler in to get the statement ready. Ehrlichman and Haldeman discussed with the President how their offices should be handled during the next couple of weeks. (pp. 59-61)

Haldeman suggested that each charge was something they would have to deal with at the time because the context could not be anticipated, the newspaper stories could not be. Haldeman said another argument against taking any action regarding him was that he was not in the thing at all in the public mind and "it would be startling as hell." (p. 62)

The President, Ziegler, and Ehrlichman discussed the brief statement for that day. (pp. 62-63)

The President asked Ehrlichman "what it is worth to us to get him [Dean] out of that damned office." Ehrlichman said the alternative was "somehow or other to pass the word to everybody in the place that he's a piranha." Ehrlichman said he didn't know how to do that. By everybody in the place, Ehrlichman told the President, he meant people like the White House Police, the Secret Service, a guy like Dick Howard, so that if they got a subpoena they shouldn't ask Dean what to do. There was then a discussion of who should be Acting Counsel, with apparent agreement that Fielding should be Acting Counsel, reporting to Dick Moore. (pp. 63-64)

The President again returned to what to tell Petersen, saying that he had better get Petersen in and flatly tell him that he could not let people go simply because charges were made until they were corroborated, that was his decision. Second, that he did not want anybody on the White House staff given immunity or

shown any consideration whatever. Third, that he was directing everybody to cooperate, but that he would not have a member of the White House staff testifying in the Senate against others.

Ehrlichman suggested a fourth point to cover with Petersen was that, if, Ehrlichman was before the grand jury and was asked about Dean's information within the grand jury, he would have to say that Dean told him it came from Petersen. Ehrlichman continued that there was no point in the President's getting way out by saying to the press he was relying on Petersen as his good right hand and then have Petersen compromised at a later time. (pp. 65-66)

Haldeman told the President that until this was totally done, and maybe never, should the President express confidence in anybody, including Haldeman and Ehrlichman. Haldeman said it just didn't serve the cause properly. And, said Haldeman, the President should not say it about Petersen, Dean or anybody else, and Ron must not say it either. (pp. 66-67)

Ehrlichman mentioned a lawyer, Herbert Miller, who might be a possible substitute for Petersen, but the President said, "I don't know. This case is moving too fast. You call in a substitute and he's got to learn the damned case." Ehrlichman said that in his opinion Petersen was "feeding a bunch of baloney." Haldeman said that he understood Petersen told the President Strachan got very good treatment over there, and the President said, "No, no, no. He told me the opposite. . . . He said that Strachan just got the hell beat out of him." Haldeman said that was right and that Strachan was astonished,

that he had said it was just beyond belief, they had threatened his life practically. Ehrlichman said what they were trying to do was put him in the hands of an attorney who would deal for immunity. Haldeman said they were trying to get him to make the same play Magruder made; Ehrlichman said no doubt they "salvaged" Dean the same way, and they had scored on him. (pp. 67-68)

The discussion of a possible replacement for Petersen resumed. The President asked whether he should make that decision today, and Ehrlichman said everyday that went by was making it that much tougher on somebody new coming in. The President said, "This guy gets relieved, and says well I told the President that he ought to fire Haldeman and Ehrlichman and he fired Dean." Ehrlichman said he didn't think he (apparently Petersen) would say that; he was a pro; he'd been around this town a long time and he knew, if he said that, the President would come right back and say the reason he fired him was that he had reason to believe he was responsible for leaks out of the grand jury, and that would destroy him. (p. 69)

Ehrlichman said the President should call Dean and tell him that the President was going to make a statement that was not going to refer to Dean or anybody and that the President would deal with people on an individual basis. The President agreed. Haldeman said, "Maybe you ought to get Petersen in first to talk immunity." The President agreed. (pp. 69-70)

71. On April 17, 1973 from 2:39 to 2:40 p.m. the President had a telephone conversation with John Ehrlichman. There was a discussion of what the President would say to Petersen about immunity for top White House staff members.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

71.1 President Nixon daily diary, April 17, 1973, Exhibit 48, In re Grand Jury.

71.2 Summary of White House edited transcript of a telephone conversation between the President and John Ehrlichman from 2:39 to 2:40 p.m., April 17, 1973, prepared by House Judiciary Committee staff.

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DATE (Mo. Day, Yr.)

APRIL 17, 1973

TIME DAY

9:18 a.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

71.1 President Nixon daily diary

TIME		PHONE		
In	Out	P - Placed	R - Received	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers. Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

8/20/73
11/17

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

12:19 p.m. TUESDAY

TIME		PHONE Placed Received		ACTIVITY
In	Out	To	From	
12:19				The Presidential party went to the South Grounds of the White House.
12:23				The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24			The President met with Mr. Kissinger.
12:35	2:20			✓ The President met with: Mr. Haldeman
12:35	2:20			John D. Ehrlichman, Assistant
2:10	2:17			Ronald L. Ziegler, Press Secretary
2:30	2:40			✓ The President met with Mr. Ziegler.
2:39	2:40	P		✓ The President talked with Mr. Ehrlichman.
2:46	3:49			✓ The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35			✓ The President met with: Mr. Haldeman Mr. Ehrlichman
4:41				The President went to the Press Room.
4:41	4:46			✓ The President addressed members of the press on the developments in the Watergate case. White House photographer, in/out
4:46				The President returned to the Oval Office.
4:48	5:03			✓ The President met with Mr. Ziegler.
5:09				The President went to his office in the EOB.
5:15	5:16			✓ The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19			✓ The President met with: Secretary Rogers
5:50	7:14			Mr. Haldeman
5:50	7:14			Mr. Ehrlichman
6:17	6:21	P		✓ The President talked with Mr. Ziegler.
6:55		R		The President was telephoned by Mr. Kissinger. The call was not completed.
7:15				The President returned to the second floor Residence

PLACE DAY BEGAN

DATE (Mo., Day, Year)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE P- Placed R- Received		ACTIVITY
In	Out	To	From	
7:36	7:33	R		The President talked with Mr. Kissinger.
8:02				The President went to the North Portico.
				The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03				The Presidential party went to the Yellow Oval Room.
8:03	8:21			The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39			The Presidential party received dinner guests.
8:39	10:11			The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11				The President and the First Lady went to the Grand Hall.
10:11	10:32			The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17			The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY DAY BEGAN

DATE (Mo., Day, Year)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

11:17 P.M. TUESDAY

TIME		PHONE		ACTIVITY
In	Out	P. Placed	R. Received	
11:17				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.
11:20				The President and the First Lady returned to the second floor Residence.
11:45	12:04	P		The President talked with Mr. Kissinger.

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

APRIL 17, 1973, 2:39 P.M. to 2:40 P.M.

On April 17, 1973 the President placed a telephone call to John Ehrlichman. Their conversation lasted from 2:39 p.m. to 2:40 p.m. The President told Ehrlichman that he wanted to check the points Ehrlichman wanted the President to make to Petersen, who would be there in ten minutes. The first point, the President said, was no immunity "for any of the top three," but that it would be o.k. to give it to Strachan. The President asked Ehrlichman if he thought that was a good line, and Ehrlichman replied that he thought it was good. (p. 1)

Ehrlichman then listed three of the four points as he had written them down: to inform Petersen that the President was making a statement, the President's policy with regard to suspension and firing, and to inform Petersen privately about the President's policy with regard to immunity for top people. The President added leaks from the grand jury. (pp. 1-2)

The President's policy with regard to suspension and firing, Ehrlichman said, should be suspension for indictment and firing for conviction, and this would be in the statement he was drafting. Ehrlichman said that Petersen would tell the press this, and the President agreed. (p. 1) Later in the conversation, this subject was raised again. The President asked Ehrlichman if the policy was that he would accept resignations on charges or indictment. Ehrlichman replied in the negative, that it was suspension on indictment and resignation on conviction.

The President agreed, and said, "Everybody would know that. Suspension on indictment and resignation on refusing to cooperate." Ehrlichman added, "Or conviction," and the President agreed. (pp. 2-3)

The President then asked Ehrlichman about the "gray area" of charges. Ehrlichman said that the President would have to reserve the right, depending on the seriousness of the charge; that if there were a serious, corroborated charge, the President should tell Petersen he wanted Petersen to bring it to him and would reserve judgment on the individual case. (p. 3)

Earlier in the conversation, the President and Ehrlichman discussed immunity. Ehrlichman said that the President's policy with regard to immunity should not be limited to three, that he would say "any top person, like Dean or up." Ehrlichman said that "It will sell." The President told Ehrlichman he would then say to Petersen that he could do what he wanted with a fellow like Strachan, and "That strengthens the position." Ehrlichman said, "Colson, Dean, anybody of that kind, no dice." The President replied, "He has mentioned these four to me. I will just say that." (p. 2)

Ehrlichman mentioned the possibility of leaks out of the grand jury. Ehrlichman said that the President should put it to Petersen, "whether he doesn't think that later exposure would prejudice the whole investigation and whether he shouldn't withdraw at an appropriate time so that a replacement can be obtained." (p. 2)

72. On April 17, 1973 from 2:46 to 3:49 p.m. the President met with Henry Petersen. There was a discussion about whether Petersen had passed grand jury information to Dean and about whether Dean would be granted immunity. The President read to Petersen a proposed press statement and Petersen stated the difficulties which would be posed by a statement that the President opposed granting immunity to high White House officials. Petersen told the President that Gray had admitted receiving from Ehrlichman and Dean documents unrelated to Watergate taken from Hunt's safe. Petersen said that Gray said he had burned these documents without reading them.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

72.1 President Nixon daily diary, April 17, 1973, Exhibit 48, In re Grand Jury.

72.2 Summary of White House edited transcript of a conversation between the President and Henry Petersen from 2:46 to 3:49 p.m., April 17, 1973, prepared by House Judiciary Committee staff.



PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

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THE WHITE HOUSE
WASHINGTON, D.C.

72.1 President Nixon daily diary

DATE (Mo., Day, Year)

APRIL 17, 1973

TIME DAY

9:18 a.m. TUESDAY

TIME		PHONE P - Placed R - Received		ACTIVITY
In	Out	To	From	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

Source: Misc. 47-73 In re Grand Jury Proceedings

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11/17

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 17, 1973

THE WHITE HOUSE
WASHINGTON, D.C.

TIME DAY

12:19 p.m. TUESDAY

TIME		PHONE P--Placed R--Received		ACTIVITY
In	Out	Lo	ID	
12:19				The Presidential party went to the South Grounds of the White House.
12:23				The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24			The President met with Mr. Kissinger.
12:35	2:20			✓ The President met with: Mr. Haldeman
12:35	2:20			John D. Ehrlichman, Assistant
2:10	2:17			Ronald L. Ziegler, Press Secretary
2:30	2:40			✓ The President met with Mr. Ziegler.
2:39	2:40	P		✓ The President talked with Mr. Ehrlichman.
2:46	3:49			✓ The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35			✓ The President met with: Mr. Haldeman Mr. Ehrlichman
4:41				The President went to the Press Room.
4:41	4:46			✓ The President addressed members of the press on the developments in the Watergate case. White House photographer, in/out
4:46				The President returned to the Oval Office.
4:48	5:03			✓ The President met with Mr. Ziegler.
5:09				The President went to his office in the EOB.
5:15	5:16			✓ The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19			✓ The President met with: Secretary Rogers
5:50	7:14			Mr. Haldeman
5:50	7:14			Mr. Ehrlichman
6:17	6:21	P		✓ The President talked with Mr. Ziegler.
6:55		R		The President was telephoned by Mr. Kissinger. The call was not completed.
7:15				The President returned to the second floor Residence [4225]

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE Placed Received		ACTIVITY
In	Out	To	From	
7:36	7:38	R		The President talked with Mr. Kissinger.
8:02				The President went to the North Portico.
				The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03				The Presidential party went to the Yellow Oval Room.
8:03	8:21			The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39			The Presidential party received dinner guests.
8:39	10:11			The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11				The President and the First Lady went to the Grand Hall.
10:11	10:32			The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17			The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

DATE Recd., Day, Year

APRIL 17, 1973

TIME	DAY
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11:17 a.m. TUESDAY

[4227]

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 17, 1973, 2:46 p.m. to 3:49 p.m.

On April 17, 1973, the President met in the Oval Office with Henry Petersen between 2:46 and 3:49 p.m. The meeting opened with the President asking, "anything new I need to know?" He said that he didn't want to be told "anything out of the Grand Jury" unless Petersen thought the President needed to know it. He said he needed to know it if it "corroborates something or anybody here," but otherwise he didn't want to know about it. The President remarked that while he had not been in touch with John Mitchell, "he might call me sometime and I don't want to be a position [sic] of ever saying anything, see?" He asked, "I guess it would be legal for me to know?" and Petersen said he thought it was, but the President replied, "Is it? Well, but don't do it, right." The President said he had talked with Rogers the night before, and that they were both concerned about the leaks from the Grand Jury proceedings, during the current session and during the preceding summer. (pp. 1-5)

The President said that John Dean, who was basically in charge of it for the White House during that period, "will probably have told people that he has information from the Grand Jury." (p. 3) He expressed his concern over the Department of Justice, and Petersen particularly getting embarrassed by this disclosure. Petersen said, "I have no concern about that." (p. 3) Petersen said that he had talked with John Dean about three things: (1) leaks, which Petersen said he frankly didn't take very seriously, "that's part and parcel of the Washington business; (2) Dean's

"personal involvement" in "securing . . . equipment and records in Hunt's office"; and (3) "status reports," in which Petersen "spoke to him in terms of ultimates," the results of Magruder's grand jury testimony, "but not the testimony itself." Petersen said that because Dean was "obviously an attorney for the Government" in addition to being counsel to the President, there was nothing improper in disclosing the Grand Jury proceedings to him. The President said, "Right -- well good, I am relieved to hear that." (pp. 6-7)

Earlier, the President had noted Rogers' suggestion that a special counsel be appointed because of the leaks, and presumably because of Dean's being privy to Grand Jury information. Petersen said, ". . . politically if someone wants to say -- as they said to Pat Gray -- you shouldn't have been talking to John Dean. Well, there is no way out of that." The President said, "That was perfectly proper for Pat Gray to talk to Dean you know -- as a matter of fact, it would be improper for him not to. . . . Dean was running the investigation of the damn thing and I certainly expected him to get all the FBI information he could." The President asked, "What the hell is the FBI for?" and commented that Gray "got a bad rap on that." (p. 7)

The discussion then turned to a White House statement being drafted for release that afternoon, which would deal with the Ervin Committee, executive privilege, immunity for White House aides, and other matters. The President reported that "we worked out a deal" with the Ervin Committee in which the "right of executive privilege will be reserved and all witnesses will appear in public session" and "all of our people in

executive sessions." Petersen wondered if "Senator Ervin will be willing to hold off public sessions that might interfere with the right of fair trial for the others." They both said they favored a delay in the committee hearings. The President said, "[I]f I were Mitchell I would be praying that the Committee" went forward, which "gives him delay if nothing else" and "a change of venue." Petersen said that the President's accommodation with the Ervin Committee "makes my job much easier" because Senator Ervin "would have been very suspicious if I had gone up there and there was still the possibility of some confrontation between you and he." (pp. 8-10)

The President said Dean naturally would have to go, because he has "admitted very deep complicity." He said he had let Rogers read what Petersen had given him and had elaborated on everything he knew and that Rogers' judgment was that on Ehrlichman it was "very thin." Petersen agreed. The President said, "They better have a damn lot more than that or they are not going to get Ehrlichman . . . on that -- they may get him on something else." He reminded Petersen that he said Dean said Liddy had told him everything on June 19th. The President asked, "Do you know when [Dean] told Ehrlichman?" The President said, "In California after Ehrlichman had been there in March -- February? -- in March The point is that Dean conducted his investigation and did not come to Ehrlichman and say 'look we have to go on Mitchell' because that's what that was really about." Petersen then told the President that what Liddy admitted was that he was present at the Watergate, that Dean "knew from prior dealings that Liddy was involved," and referred to the February, 1972 meeting in John Mitchell's office to show that "Dean knew what Liddy was up to." And Petersen said that Dean told Haldeman that

"we should . . . not be involved with that --" (pp. 10-13)

The President described his proposal for what to do with White House people. He proposed that "anyone who refused to cooperate will, of course, be sacked immediately. Anyone who is indicted at this time will be put on leave -- indefinite leave -- until he is tried." And "if any charge is made publicly . . . in open court . . . which corroborate in any way against anybody on the White House staff then he will be asked to take leave also." And the President predicted that those who were asked to take leave will resign. Petersen explained that the proposed Magruder indictment would name unindicted co-conspirators, against whom sufficient evidence was available so that they could be charged. The President said that unindicted co-conspirators would also be put on leave from the White House. (pp. 13-18)

The conversation then shifted to the question of immunity for the President's aides. The President said, "I say this strongly - I have thought about it a lot I don't care what you do on immunity to Strachan or any other second people but you can't give immunity to any top people - not Dean - needless to say you don't want to to Haldeman or Ehrlichman." Petersen maintained that although he didn't want to have to give immunity, the prosecutor had to have the right to make that decision. The President said, ". . . because your close relationship with Dean [sic]... it would look like a straight deal. . . ." He continued, "The prosecutor has got to know -- I can say as far as the President is concerned if John Dean gets (inaudible) then I don't care -- but Ehrlichman, Haldeman and all the rest (inaudible) -- why the hell did we give him immunization and not the poor damn Cubans? It just doesn't sound right. . . . It doesn't sound right --

it isn't going to sound good for you -- because of your relationship -- it isn't going to sound good for the President." (pp. 18-20)

Petersen agreed "it's going to look awful," but said, "the thing that scares the hell out of me is . . . suppose Dean is the only key to Haldeman and Ehrlichman and the refusal to immunize Dean means that Haldeman and Ehrlichman go free." Petersen said that was the decision "we are going to ultimately come down to." The President replied, "Well you will have to come in to me with what you've got (inaudible) then there . . . and let me handle Haldeman and Ehrlichman." The President said, "[Y]ou can't in good conscience say that you are going to send Haldeman and Ehrlichman -- or anybody for that matter -- or Colson -- down the tube on the uncorroborated evidence of John Dean"; and Petersen said, "Precisely right." The President said that if Petersen came in with Dean plus corroboration, "then we have a difficult decision on whether or not we want to immunize him." Petersen said, "That is the importance of Strachan." As an example, the President said, suppose Dean gave uncorroborated testimony that he told Ehrlichman about the Liddy plan in March. ". . . You wouldn't sack Ehrlichman for that?", the President asked. Petersen said he would not prosecute Ehrlichman for that, but if Petersen were the President he would sack Ehrlichman. Petersen explained that if Ehrlichman were a junior partner in the Petersen-Nixon law firm in Oshkosh, he would not fire him, but Ehrlichman is a senior advisor to the President of the United States. "That is the difference," said Petersen. (pp. 20-23)

The President continued to maintain that immunity should not be given to Dean if he offered only uncorroborated evidence, noting that it would

look particularly bad since "he's the guy that sunk Pat Gray." Petersen had interjected his concern that as "one of the public I see it perhaps more clearly -- at least from a different point of view . . . that it's just the things that they have done impairs you." He also said that he has been arguing with his own prosecutors on immunity for Dean. The President said that he felt strongly about immunity, but "just understand I am not trying to protect anybody -- I want the damn facts if you can get the facts from Dean and I don't care whether -- ". Petersen replied, "Mr. President, if I thought you were trying to protect somebody, I would have walked out." (pp. 23-27)

The President said that based on Petersen's information and "just a little feel of the whole thing," he would make his decisions. The President said he had to get a handle on it to determine what he was going to do when charges are made, even if people are not indicted but named as co-conspirators. Petersen then suggested that in the Magruder indictment, "everybody but Haldeman and Ehrlichman" might be named as unindicted co-conspirators. Mitchell, LaRue, Mardian and Dean were mentioned. The President suggested Colson. "Colson was a big fish in my opinion," he said. Petersen said that leaving Haldeman and Ehrlichman out of the indictment "was to give you time and room to maneuver with respect to the two of them," and that they should be asked to leave nevertheless. "Well you really ought to include them (inaudible) if you include the others," the President responded. Petersen reiterated his belief that "they have made you . . . very very vulnerable to rather severe criticism because of their actions. At least in public forums they eroded confidence in the office of the Presidency by their actions." (pp. 27-30)

The President said, "Well, let's begin with this proposition. Let's not get in the wicket where we've got Dean in an immunity position. He'll talk. He'll talk." Petersen asked if the President had decided to accept Dean's resignation and the President said, no, he had decided he had to treat them all the same. Petersen said that if the President accepted Dean's resignation, Dean would talk to the press immediately. The President said he had told Dean he would handle them all the same; he would not "condemn" Dean until he has a chance to present himself; he was going to "put all three in the same bag." They discussed Strachan, and Petersen said Strachan at that point was debating whether he wanted to be a potential defendant or a witness. Petersen said that there was probably not enough evidence to implicate Strachan as a principal; that in their judgment he was a fringe character, but that he might be used as a witness and given "immunity by estoppel." (pp. 30-33)

They returned to the question of offering immunity to Dean. The President said, ". . . I am not trying to do Dean in -- I would like to see him save himself but I think find a way to do it without -- if you go the immunity route I think we are going to catch holy hell for it." Petersen said it scared hell out of him and was the toughest decision facing him. They agreed that Dean probably would not talk without immunity. Petersen said that they were trying to persuade Dean to plead guilty to a one count felony indictment, just as Magruder agreed to do. "Dean's lawyers," Petersen said, "say we will try this whole damn Administration." The President said, "Yeah, I know. I heard that. So that puts you in a hard spot." (pp. 33-35)

Petersen mentioned his shock over Mitchell's involvement. The President said that what happened was that "Hunt and that whole bunch conducted this (inaudible) Mitchell wasn't minding the store and Magruder is a weak fellow -- and the damn thing -- and afterwards they compounded it They were caught in it and they said -- Oh we can't -- and basically they were trying to protect Mitchell -- let's face it. You know that." Petersen said that when LaRue testified about Mitchell, he "just broke down and started to cry. It is a terrible thing" The President said "(inaudible) as we all do, but we are going to do the right thing. Don't you worry about that. I am trying to do the right thing in the way that is" Petersen replied, "Mr. President, if I didn't have confidence in you -- I wouldn't be here." (pp. 35-37)

Petersen said that Liddy had met with his attorney, and they again returned to the question of immunity for Dean. Petersen reported on the differing versions of what instructions were given to L. Patrick Gray when Dean and Ehrlichman gave Gray "two manilla envelopes" from Hunt's office, and on Gray's story of burning them without looking at the contents. (pp. 37-40)

At this point, someone apparently delivered to the President drafts of White House statements on (1) agreeing with the Senate Select Committee on ground rules regarding executive privilege and testimony of White House aides in the forthcoming hearings, and (2) the President's policy towards White House aides implicated in the Watergate investigation. The President repeated his position that no White House aides should be granted immunity, but Petersen argued that to make that statement publicly would take away a prosecutorial

tool. (pp. 40-45) After talking about the draft, the President said, "I want to be very clear on the Haldeman/Ehrlichman thing. That if they were left out of the non-indictable list it gives me a little running room." Petersen agreed, but said that they would probably be implicated by Magruder in a court statement, so "it makes your practical difficulties just as severe as if we had named him in the first place." (pp. 46-47)

Petersen said, "I guarantee you at least twelve hours notice" before Magruder's court appearance. The President noted, "I don't want the Washington Post to break this case," but rather the Department of Justice or the White House. (pp. 47-48)

The President asked about Colson. Petersen related Colson's plea to Ehrlichman for leniency for the Watergate defendants, and the involvement of Bittman, Mrs. Hunt, LaRue and Kalmbach in requesting, receiving, and raising money for the defendants. Petersen told the President that during the first Watergate investigation he had instructed Earl Silbert not to question Donald Segretti about the President's lawyer before the Grand Jury. They discussed Kalmbach's being named as a fund-raiser for the Watergate defendants. "If you are trying to help them out with their defense -- that is one thing -- but," the President said, "if you are helping them out to keep them quiet . . . that is an obstruction job." Petersen said that was right if you were acting out of Christian charity that was fine. The President said that would be Mitchell's defense on that, and Petersen replied, "...all the inferences run the other way and that is a hell of a defense to have to put to the Jury." (pp. 49-52)

They then discussed the proposed statement, and Petersen encouraged the President to "...get out front." The conversation closes with a discussion of Mitchell, who the President said would fight the charges. Petersen said it was terrible for a former Attorney General of the United States to be subject to a criminal trial. The President said it was for obstruction of justice and not the bugging. (pp. 53-54)

73. On April 17, 1973 from 3:50 to 4:35 p.m. the President met with H. R. Haldeman, Ronald Ziegler and John Ehrlichman. The President described his conversation with Petersen. There was a discussion of whether Haldeman and Ehrlichman should take leaves of absence. The President went over the text of the statement he was about to give.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

73.1 President Nixon daily diary, April 17, 1973, Exhibit 48, In re Grand Jury.

73.2 Summary of White House edited transcript of a conversation among the President, H. R. Haldeman, Ronald Ziegler and John Ehrlichman from 3:50 to 4:35 p.m., April 17, 1973, prepared by House Judiciary Committee staff.

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

USE

AN

DATE (Mo. Day, Yr.)

73.1 President Nixon daily diary

APRIL 17, 1973

TIME DAY

9:18 a.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P - Placed R - Received		ACTIVITY
In	Out	To	LD	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

[4242]

Source: Misc 47-73 In re Grand Jury Proceedings

2002
8/17/73

PLACE DAY BEGAN

DATE (Mo., Day, Year)

APRIL 17, 1973

THE WHITE HOUSE
WASHINGTON, D.C.

TIME DAY

12:19 p.m. TUESDAY

TIME		PHONE P--Placed R--Received		ACTIVITY
In	Out	To	TO	
12:19				The Presidential party went to the South Grounds of the White House.
12:23				The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24			The President met with Mr. Kissinger.
12:35	2:20			✓ The President met with: Mr. Haldeman
12:35	2:20			John D. Ehrlichman, Assistant
2:10	2:17			Ronald L. Ziegler, Press Secretary
2:30	2:40			✓ The President met with Mr. Ziegler.
2:39	2:40	P		✓ The President talked with Mr. Ehrlichman.
2:46	3:49			✓ The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35			✓ The President met with: Mr. Haldeman Mr. Ehrlichman
4:41				The President went to the Press Room.
4:41	4:46			✓ The President addressed members of the press on the developments in the Watergate case. White House photographer, in/out
4:46				The President returned to the Oval Office.
4:48	5:03			✓ The President met with Mr. Ziegler.
5:09				The President went to his office in the EOB.
5:15	5:16			✓ The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19			✓ The President met with: Secretary Rogers
5:50	7:14			Mr. Haldeman
5:50	7:14			Mr. Ehrlichman
6:17	6:21	P		✓ The President talked with Mr. Ziegler.
6:55		R		The President was telephoned by Mr. Kissinger. The call was not completed.
7:15				The President returned to the second floor Residence [4243]

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE P. Placed R. Received		ACTIVITY
In	Out	To	TD	
7:36	7:33	R		The President talked with Mr. Kissinger.
8:02				The President went to the North Portico.
				The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03				The Presidential party went to the Yellow Oval Room.
8:03	8:21			The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39			The Presidential party received dinner guests.
8:39	10:11			The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11				The President and the First Lady went to the Grand Hall.
10:11	10:32			The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17			The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

11:17 a.m. TUESDAY

TIME		PHONE		ACTIVITY
In	Out	P Placed	R Received	
11:17				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.
11:20				The President and the First Lady returned to the second floor Residence.
11:45	12:04	P		The President talked with Mr. Kissinger.

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPTAPRIL 17, 1973, 3:50 P.M. to 4:35 P.M.

On April 17, 1973, the President met in the Oval Office with John Ehrlichman, and H. R. Haldeman from 3:50 to 4:35 p.m. Ronald Ziegler entered late in the meeting. The principal topic of discussion was the statement then being drafted in which the President would announce his policy of cooperating with the Senate Select Committee, initiating his new investigation, and his policy on immunity for administration officials. The meeting opened with the President reporting on his meeting with Petersen, which had just ended. The President said, "I completed the round with Petersen and he said he completely agreed with me, that he's been arguing that with the U.S. Attorneys He said the problem is (unintelligible). I said, 'Well you're going to corroborate it, aren't you?' 'Yes, of course.' But I put it bluntly. No individual --"

The President briefly described the discussion about leaks from the Grand Jury, Gray's destruction of the material from Hunt's files, Strachan's guilty plea, the probable statement on unindicted co-conspirators, and the fact that Dean, but not Haldeman and Ehrlichman, would probably be named as an unindicted co-conspirator. The President reported that Petersen said that unless Ehrlichman and Haldeman took leaves of absence from the White House staff, they would be named as unindicted co-conspirators. Otherwise, Sirica's questioning of Magruder in open court would make it "appear that the Justice Department again is covering up." (pp. 1-3)

The President said Petersen reported that "Dean's lawyers say Dean is going to make a case against this Administration. They're going to try this Administration. . . . So, I guess that's where we stand with Dean." They all agreed that for Ehrlichman and Haldeman to take leave if they were not implicated would be a confession and would look like a cover-up. Haldeman criticized the prosecutors' handling of Strachan, and reported that they had indicated they will prosecute Strachan for perjury even though he had volunteered to correct at least one mistake in his testimony. (pp. 4-6)

They then turned to the statement which the President was considering making that afternoon. After discussing the section that dealt with White House staff appearing before the Senate Select Committee, they turned to the part about the President's inquiry into Watergate. The President said, "'I began new inquiries into this matter as a result of serious charges which were reported publicly and privately.' Should we say that?" Ehrlichman said, "Publicly, comma, 'which in some cases were reported publicly.'" The President said, "'Four weeks ago we,' Why don't we say, shall we set a date? That sounds a hell of a lot stronger if we set a date." Ehrlichman replied, "All right." The President continued, "'On March 21, I began new inquiries,' Strike that. 'I ordered an investigation, new inquiries throughout the government --'" The President also suggested, "In other words, 'on March 21 we started an investigation because of the public hearings.'" Then they decided to make reference to conferences with Kleindienst and Petersen, the President's own investigation, major developments in the case, and treatment of and cooperation by Executive Branch personnel involved in the investigation. (pp. 7-11) After an apparent reference to Strachan, the President said, "That's right Bob, he should just take their offer. Believe me, we don't have to have (unintelligible). He isn't

trying to hide anything." Haldeman said he would feel fine with his doing that. "[S]o he says some things that are damaging. They are only slightly damaging, and we've had plenty of damaging things already." The President said, "That's right Bob, just tell him to take it. . . . Tell him to take it but tell them the mere truth. You see, they think it is worse than it is. They think he is covering up and they are wrong. That's what it really gets down to." Haldeman commented that Strachan had confided in Dean and was afraid that Dean would "take something that is partly right and twist it, which is what Dean is doing, and hang him on it," (pp. 11-12)

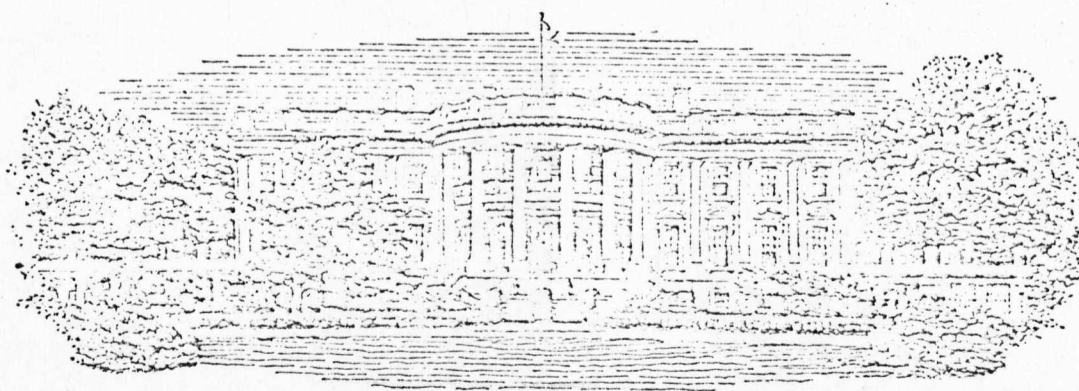
Haldeman reported that he and Ehrlichman were meeting with their attorney that afternoon. The President said, "I guess (unintelligible) may resign." Haldeman answered, "That would be a very foolish thing for him to do." Haldeman said that he and Ehrlichman would "hang together playing this game," but would request a leave of absence if they were named in the Magruder indictment. (pp. 13-15)

Again they discussed the prospect of Dean's lawyers trying the Administration, and Ehrlichman mentioned the upcoming Senate Select Committee hearings. Ehrlichman also suggested that Dean's testimony may not be admissible on the grounds that "his communication to us was a communication to you, and vice versa. As an alter ego to the President." The President responded, "I don't have any separate existence." (pp. 15-17)

Towards the end of the meeting Ziegler entered the room, and mentioned that Leonard Garment needed to know ground rules before he talked to Senator Ervin, and they discussed answers Ziegler should make to possible questions from the press on Watergate. (pp. 17-20)

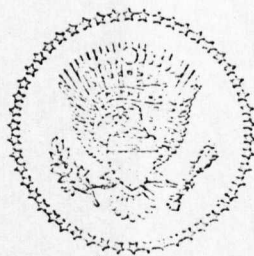
74. On April 17, 1973 from 4:42 to 4:45 p.m. the President issued a public statement containing two announcements. The President first announced that White House personnel would appear before the Senate Select Committee, but would reserve the right to assert executive privilege during the course of questioning. He then reported that on March 21 he had begun intensive new inquiries into the whole Watergate matter and that there had been major developments in the case. The President stated he had expressed to the appropriate authorities his view that there should be no immunity from prosecution for present or former high Administration officials. The President said that those still in government would be suspended if indicted and discharged if convicted.

74.1 President Nixon statement, April 17, 1973,
9 Presidential Documents 387.



Weekly Compilation of
PRESIDENTIAL
DOCUMENTS

Monday, April 23, 1973



Volume 9 • Number 16

Pages 379-415

For a term expiring October 26, 1976

Mrs. JORETT SHOUSE, of Washington, D.C., business and civic leader, Washington, D.C.

JOHN T. CONNOR, of Morristown, N.J., president and chief executive officer, Allied Chemical Corp., New York, N.Y.; and former Secretary of Commerce.

For a term expiring October 26, 1974

MICHAEL I. KAFARSKI, of Bloomfield Hills, Mich., chairman of the board, president, and treasurer, Aectron, Inc., Madison Heights, Mich.

WILLIE L. LEFTWICH, of Washington, D.C., attorney, Hudson and Leftwich, Washington, D.C.

The President also announced the designation of Mr. Quesada to serve as Chairman and Mr. Bruckmann to serve as Vice Chairman of the Board of Directors of the Pennsylvania Avenue Development Corporation.

In addition to the eight members appointed by the President the Board of Directors also consists of the following: Secretary of the Interior, Secretary of the Treasury, Secretary of Housing and Urban Development, Secretary of Transportation, Administrator of General Services, Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council. The eight members appointed by the President will serve terms of 6 years once the initial staggered terms have expired.

The Pennsylvania Avenue Development Corporation was established by the Pennsylvania Avenue Development Act of 1972 (Public Law 92-578) to provide for the preparation and carrying out of a development plan for the area between the White House and the Capitol.

The Watergate Investigation

The President's Remarks Announcing Developments and Procedures To Be Followed in Connection with the Investigation. April 17, 1973

Ladies and gentlemen:

I have two announcements to make. Because of their technical nature, I shall read both of the announcements to the members of the press corps.

The first announcement relates to the appearance of White House people before the Senate Select Committee, better known as the Ervin Committee.

For several weeks, Senator Ervin and Senator Baker and their counsel have been in contact with White House representatives John Ehrlichman and Leonard Garment. They have been talking about ground rules which would preserve the separation of powers without suppressing the facts.

I believe now an agreement has been reached which is satisfactory to both sides. The committee ground rules

as proposed, totally preserve the doctrine of separation of powers. They provide that the appearance by a witness may, in the first instance, be in executive session, if appropriate.

Second, executive privilege is expressly reserved and may be asserted during the course of the questioning as to any question.

Now, much has been made of the issue as to whether the proceedings could be televised. To me, this has never been a central issue, especially if the separation of powers problem is otherwise solved, as I now think it is.

All members of the White House Staff will appear voluntarily when requested by the committee. They will testify under oath, and they will answer fully all proper questions.

I should point out that this arrangement is one that covers this hearing only in which wrongdoing has been charged. This kind of arrangement, of course, would not apply to other hearings. Each of them will be considered on its merits.

My second announcement concerns the Watergate case directly.

On March 21, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter.

Last Sunday afternoon, the Attorney General, Assistant Attorney General Peterson, and I met at length in the EOB to review the facts which had come to me in my investigation and also to review the progress of the Department of Justice investigation.

I can report today that there have been major developments in the case concerning which it would be improper to be more specific now, except to say that real progress has been made in finding the truth.

If any person in the executive branch or in the Government is indicted by the grand jury, my policy will be to immediately suspend him. If he is convicted, he will, of course, be automatically discharged.

I have expressed to the appropriate authorities my view that no individual holding, in the past or at present, a position of major importance in the Administration should be given immunity from prosecution.

The judicial process is moving ahead as it should, and I shall aid it in all appropriate ways and have so informed the appropriate authorities.

As I have said before and I have said throughout this entire matter, all Government employees and especially White House Staff employees are expected fully to cooperate in this matter. I condemn any attempts to cover up in this case, no matter who is involved.

Thank you.

NOTE: The President spoke at 4:42 p.m. in the Briefing Room at the White House.

75. On April 17, 1973 the President met in his EOB office with William Rogers from 5:20 to 6:19 p.m. and with H. R. Haldeman and John Ehrlichman from 5:50 to 7:14 p.m. The President briefed Rogers on his investigation and his discussion with Petersen. There was a discussion of whether Haldeman, Ehrlichman and Dean should resign and of Dean's testimony against Haldeman and Ehrlichman. Haldeman and Ehrlichman reported on their conversation with John Wilson, a criminal attorney who had been recommended by Rogers. There was a discussion of what Dean had told Kalmbach about the purpose of the money he was asked to raise.

In response to the Committee's subpoena for the tape recording and other evidence of the President's conversations of April 17, 1973 from 5:50 to 7:14 p.m., the President has produced an edited transcript of the recording of his conversations from 5:20 to 7:14 p.m. A summary of that transcript has been prepared.

75.1 President Nixon daily diary, April 17, 1973,
Exhibit 48, In re Grand Jury.

75.2 Summary of White House edited transcript of a conversation among the President, William Rogers, H. R. Haldeman and John Ehrlichman from 5:20 to 7:14 p.m., April 17, 1973, prepared by House Judiciary Committee staff.

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DATE (Mo., Day, Yr.)

APRIL 17, 1973

TIME DAY

9:18 a.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

— 75.1 President Nixon daily diary —

TIME		PHONE P - Placed R - Received		ACTIVITY
In	Out	To	LD	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

[4258]

Source: Disc. 47-75 In a Grand Jury Proceeding

380/11/173

LEAVE DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 17, 1973

THE WHITE HOUSE
WASHINGTON, D.C.

TIME DAY

12:19 p.m. TUESDAY

TIME		PHONE		ACTIVITY
In	Out	Placed Lo	Received ID	
12:19				The Presidential party went to the South Grounds of the White House.
12:23				The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24			The President met with Mr. Kissinger.
12:35	2:20			✓ The President met with: Mr. Haldeman
12:35	2:20			John D. Ehrlichman, Assistant
2:10	2:17			Ronald L. Ziegler, Press Secretary
2:30	2:40			✓ The President met with Mr. Ziegler.
2:39	2:40	P		✓ The President talked with Mr. Ehrlichman.
2:46	3:49			✓ The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35			✓ The President met with: Mr. Haldeman Mr. Ehrlichman
4:41				The President went to the Press Room.
4:41	4:46			✓ The President addressed members of the press on the developments in the Watergate case. White House photographer, in/out
4:46				The President returned to the Oval Office.
4:48	5:03			✓ The President met with Mr. Ziegler.
5:09				The President went to his office in the EOB.
5:15	5:16			✓ The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19			✓ The President met with: Secretary Rogers
5:50	7:14			Mr. Haldeman
5:50	7:14			Mr. Ehrlichman
6:17	6:21	P		✓ The President talked with Mr. Ziegler.
6:55		R		The President was telephoned by Mr. Kissinger. The call was not completed.
7:15				The President returned to the second floor Residence.

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE Placed Received		ACTIVITY
In	Out	To	From	
7:36	7:33	R		The President talked with Mr. Kissinger.
8:02				The President went to the North Portico.
				The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03				The Presidential party went to the Yellow Oval Room.
8:03	8:21			The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39			The Presidential party received dinner guests.
8:39	10:11			The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11				The President and the First Lady went to the Grand Hall.
10:11	10:32			The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17			The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DATE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Year)

APRIL 17, 1973

TIME DAY

11:17 a.m. TUESDAY

TIME		PHONE		ACTIVITY
In	Out	P Placed	R Received	
11:17				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.
11:20				The President and the First Lady returned to the second floor Residence.
11:45	12:04	P		The President talked with Mr. Kissinger.

SM/CD/JD

[4261]

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 17, 1973 5:20 p.m. to 7:14 p.m.

On April 17, 1973 the President met with Secretary of State William P. Rogers at 5:20 p.m. in his EOB office. Haldeman and Ehrlichman entered the meeting after it began, and Rogers left before the meeting ended at 7:14 p.m.

Rogers asked the President if he had made his announcement. The President said he had, that it wouldn't hurt anything and was the right move. Rogers agreed. (p. 1)

The President said he had talked to Petersen again that day, and Petersen said they had to resign, "[j]ust figures you can't keep them." The President asked if Rogers had any different views today. Rogers said he didn't, that he thought it was the right step to go. The President said "it's going to be bloody." Rogers said that the top people in government deserve the same consideration as anybody else, and the President said, "Damn right." The President said that the New York Times would have an editorial the next day that the President should fire the whole White House staff, anybody who did it. But, said the President, "I think they [the people] like a man who stands up to them -- not to condemn people before they're proven." (pp. 2-3)

Rogers asked what Petersen said on Ehrlichman, "Does he have any other evidence except what's in that piece of paper because if he doesn't there wasn't anything in there." The President said "hardly anything," except that Gray now recollected that he got the material and destroyed it

because he was told it was political material, had nothing to do with Watergate. This had destroyed Gray, the President said, it was "an unbelievable story." Rogers asked, "Well, now Ehrlichman didn't tell him to destroy it?" The President replied, "Hell no. Gray went back -- Dean did give it to him. It was in Ehrlichman's office." The President said he "put it hard to Petersen" and even used Rogers' name. He said he told Petersen that Rogers looked it over and said they didn't have much of a case on Ehrlichman. (pp. 3-4)

The President said the prosecutors were "trying like hell to just frighten people to death. They're going to send 'em to jail and so forth." The President told Rogers they were "trying to break" Strachan. The President said he didn't understand, Strachan could be either a witness or a defendant, and he told Haldeman to tell him to be a witness. (p. 4)

Rogers asked what had happened to Dean, and the President said, "They made a deal with him. And that's why I put in that statement, I hope -- that's the point." The President said he told Petersen he had talked to Rogers and they had a grave problem in giving the President's counsel immunity. He said Petersen had replied, suppose it's Dean's testimony that we need to get Haldeman and Ehrlichman, shouldn't we give him immunity? The President said he had told Petersen, "No -- not unless you have corroboration." Rogers said that what was done on things like that was to say to a fellow, you've violated the law, you've got to be indicted, we'll consider the help you've given us when it comes to the question of your sentence. "In other words," said Rogers, "you . . . [h]old out the prospect

to him." The President asked how John Dean, the President's counsel, could be given total immunity "when he's involved? He admits involvement throughout." The President told Rogers, "I said no. I said, by no means. I'd get the rack."

The President told Rogers that Petersen said he agreed with that and was trying to convince the U. S. Attorneys, "but they are hot on trying to give him immunity and they're going to. And they want to (unintelligible) Haldeman and Ehrlichman. Frankly, that's it." (p. 6)

The President told Rogers "what this statement was on." He said they were going to have Magruder in open court eventually and were going to put out this statement in which they would name other unindicted co-conspirators. Petersen said otherwise Sirica would ask Magruder questions, and he would testify in open court about other people, the President said. "I think that is a hell of a prejudicial thing to do -- the rights of an individual--." The President continued that they told him that Haldeman and Ehrlichman would not be on the list if the President fired them. He said Petersen told him they were giving him an option so that he "could move ahead of the herd basically by just letting them go." The President told Rogers that he thought if he let them go they would be on the list anyway. It would appear that he heard they were going to be on the list and fired them and they were on it. The President said, "That's my problem. We're not prosecuting my two top people and I let them go. I don't think that makes sense at all or do you agree?" Rogers agreed that it would look bad from the President's standpoint. The President said that if he let

Haldeman and Ehrlichman go and they weren't on the list, they would call them before the Grand Jury and then indict them if they could get information. Rogers said that it was a perversion of the Grand Jury process if Sirica questioned a defendant on a guilty plea to find out who else was involved. (pp. 6-9)

The President said that he thought Ehrlichman was "going to beat it. I don't think it's going to help him, if by letting him go, I know that he's gone to the prosecution." The President said, "[Y]ou know I am concerned about my people. I know that Haldeman and Ehrlichman are not guilty of a damn thing." The President said to Rogers, "It's only tangential on that, Bill -- tangential. Sure they knew we were raising money for these damn defendants, but they were (unintelligible) in the campaign. I mean, I mean (unintelligible) Dean at the meeting, wasn't he?" The President continued, "Ehrlichman was handling the whole domestic thing and Haldeman was working with me at the time. They didn't work in the campaign. It was all over with Mitchell. Mitchell was -- in this whole thing -- and frankly, Dean was handling it for the White House. (Unintelligible). Our people were aware that he was. We were aware about that." (pp. 9-10)

Rogers asked how the President had left it with Petersen and said, "I think from now on you better let him go into the brawl." The President said, "I have." He said Petersen was going to report to him and that he had told Petersen that he would like to know if Petersen got any corroborating testimony. The President said he had told Petersen he would like to be warned if there was corroborative testimony so he

could call his people in and ask for resignations. The President said, "That's all I told him. Well I'm not going to talk to him any more about that. After all, I'm the President of the country -- and I'm going to get on with it. . . I've been living with this for (unintelligible) that's all I've been doing for half the time now." The President mentioned the people that he had trust in, said he had trust in Ehrlichman, had Ehrlichman working. Ehrlichman had completed the job and got to the bottom of the thing. (pp. 10-11)

The President said that Ehrlichman said, "There is a possible, possible situation of the act of -- What do you call it?" Rogers' reply was "(Unintelligible)," and the President said, "If the individuals knew that the purpose was to keep people from talking in court. In court, not openly. Apparently, it's -- You might keep 'em from it -- but he said, 'Anyway, that's the problem.' So, I don't know. I still don't know if it is a problem." The President said that he was thinking of Haldeman, Ehrlichman, Dean and their kids; of the possibility of their mocking a great career. Their service, the President said, had been efficient. "I'll tell you, if they aren't convicted, Bill, they'll come out This'll be in better perspective in a year, I think." Rogers said he thought the first blush would be -- and the President interjected, "Terrible." The President said, "I'll be here, all along, Bill. The Jury indicts, moves. We're going to get on with this country. A lot of people in the country, we may find, they feel the President is doing the best he can in the damn thing. If I had wanted to cover-up -- they probably think the President can cover-up. If I wanted to, I sure haven't done it very well, have I?" (pp. 11-13)

Rogers asked if the President had any indication of what Dean was going to do. The President said, "[H]e's going to try this whole Administration I would expect. And my view on that is let him try the whole Administration." The President said Ziegler pointed out that Dean had conducted an investigation for nine months and now came forward and charged inaction. The President said, "Dammit, why didn't he come in earlier, and tell me these things, Bill? Why didn't he do it? If he knew, I would think that---" The President asked why, once it had happened, it wasn't cut off right then, by someone (apparently Mitchell) stepping forward. "Well, I think I know," the President said, "They just thought that might hurt the election." (pp. 13-15)

The President said that he would rather have it in the courts than in the Committee, and Rogers agreed and said that was the way it was supposed to be, that was the system. The President said, "It sure shows the system works, though, doesn't it?" Rogers asked the President what Petersen thought of the President's statement, and the President said he had thought it was fine. Rogers said Sirica had been suspicious there was a cover-up and had tried to put pressure on the ones who knew. Magruder, Rogers said, was a willing witness, not a reluctant defendant, who would testify, had been working with the prosecutor, and would be called before the grand jury. Rogers said, "Why the hell he's -- that (unintelligible) open court. That's the -- that's what the Grand Jury's for." (pp. 15-16)

The President said he thought "the partial reaction" to his statement would be, "Thank God, the President's finally said something about Watergate," and Rogers agreed. The President said he wasn't taking any

comfort out of it because "for a period of time it's going to be painful," when Mitchell gets indicted, and possibly Haldeman and Ehrlichman. (pp. 15-17)

Rogers said that he thought Haldeman and Ehrlichman ought to resign but talk to their lawyer first. Rogers said he didn't understand what Magruder was going to do, but it seemed to him "if Dean has mentioned them that way that they ought to then take a leave of absence." The President asked if Rogers would wait until their names were mentioned, and Rogers said, "Yeah." The President said he had told Petersen that Rogers and the President found the charges uncorroborated, and Petersen agreed but wanted the President to "sack 'em." The President said, "I've got to live with myself. I don't want to do it in that (unintelligible). That isn't fair." The President said that if they were not named in the statement, they would be called. "They'll be indicted and (unintelligible)." Rogers said that undicted co-conspirator was "just as bad as being indicted, especially when you know somebody was (unintelligible) lying. So you're named, but you can't clear your name." Rogers said, "If you're named as a co-conspirator and forced to resign, then you're convicted without a trial." (pp. 18-21)

The President said that he was afraid Haldeman was probably in trouble, though he wasn't sure he'd be indicted. Rogers said he wasn't sure he would be indicted. The President said, "Well, staying too close to the money. He never can explain that. In terms of legal involvement though but he could never explain to the people and you (unintelligible) some of that damn money back there for 'em. Testified by Mitchell, by, by Dean. Was it a (unintelligible) of the defense?" Rogers said the President would have twelve hours, and the President asked Rogers to put his mind to the problem

"because I really think we've got to start helping 'em. Help advise them. They're in the eye of the hurricane." Rogers said they had a little time to see how the President's statement played. (pp. 22-23)

The President said that he thought "that he probably didn't know about -- ... My feeling was that Mitchell -- basically always thought Magruder knew the damn thing. Mitchell just wasn't tending the shop. That's what I understand." Rogers said he thought Mitchell might well have given the go ahead and said, "Oh yeah, to hell with this." The President said, "Yeah. 'Don't tell me about it.'" Rogers said he was surprised about Dean, and the President said Dean claimed he didn't have anything to do with having them go ahead, but after that "Dean came in in terms of the obstruction of justice. There's where he's vulnerable. That's all. He's not vulnerable on the first part in my opinion." Rogers asked if they had gotten written statements from Dean and Magruder, and the President said they had debriefed him. He said, "Where Dean is concerned, nothing they can do to shake him. On that one he stands firm." Rogers said he thought "the one fellow that had to know about this and should just take a leave of absence is Dean." The President replied, "(unintelligible) what about this -- who the hell wants to (unintelligible)? It looks like this might (unintelligible) of course, set him off Worse than he is." Rogers said, "Well, I think your point is true enough. He appears beyond the thing, although he --." The President said, "He was the one He handled the whole thing." The President told Rogers that, when he had started his investigation on March 21st, he saw Dean at least "(unintelligible) times"; that at Camp David Dean was "to write the (expletive deleted) up so we could put out a statement";

and that he said he really couldn't write a statement the President could put out. "So I must say, I've done everything I can to get to the bottom, Bill, as you can see." The President said he had told John to "let it all hang out . . . you got to tell me what the hell the score is so we'll know how to deal with this. We're not going to be nibbled to death by a thousand hurts." And that, said the President, was "exactly what we've done." The President said McCord's allegations had "enough there to . . . put anybody on notice that without a doubt there's something wrong," and that was why he had to move. (pp. 23-25)

Rogers said that it was basically up to John and Bob and that it was difficult for anybody else, who really didn't know what the facts were. Rogers said that Ehrlichman must be shaken, and the President said that he was, that he was saying, "Going to fight, discredit Dean -- discredit the prosecutor." The President said, "That'll be one hell of a big fight." (pp. 26-27)

The President told Rogers they were thinking of Judge Byrne for Director of the FBI, and described his qualifications. (p. 28)

At this point, Haldeman and Ehrlichman entered the meeting. They reported that they had met with their lawyer, John J. Wilson. Ehrlichman said Wilson knew Petersen and Glanzer, "and he despises them." The President said he never talked to Petersen any more, that was done -- "except for all the information I want." The President told Haldeman and Ehrlichman that Petersen said he would give the President 12 hours notice with regard to the Magruder thing, "and I think I want that." Ehrlichman gave Wilson's explanation of the procedure involving unindicted co-conspirators and interrogation on a guilty plea. Rogers said that being named as an unindicted co-conspirator

and being forced to leave was equivalent to indictment; "You both would be indicted and convicted by the public beforehand." (pp. 29-36)

Ehrlichman suggested that he had privilege in his conversations with Dean, and particularly the conversation where Dean said he came and told Ehrlichman that Liddy had confessed. Ehrlichman said, "T/he only reason to tell me was not for me as me but because I was one of the two conduits that he had to the Boss. He didn't have, I mean, the organizational set-up was that way." Haldeman said that the President's log showed that from the Watergate break-in until the end of August, the President never saw John Dean, during July and August the President had no communications with Dean at all. Ehrlichman said that Dean gave a lot of legal advice about this case. "A lot of traffic and all that, but there's also developed a poor relationship and sooner or later the President is going to have to decide whether he wants to consider privilege--if Dean becomes." Ehrlichman said it involved both his communications with Dean and Haldeman's, that it was a tough problem, and the President would probably want to reserve it. Rogers said that it was "really ticklish," and "it is hard to understand he was Counsel to you as well as to the President." Rogers asked how Dean contacted the President, and Haldeman said, "He dealt with one of us." Ehrlichman said that Dean was "really an advisor" to them in their capacity to make decisions. Rogers asked, "Problem is, what do other people say about him?" Ehrlichman replied, "He's a jerk. Sure, that's right." The President said, "And I deferred to him in this damned investigation. Remember you said, 'I think you ought to talk to John Dean.' Remember. And I called him in there. And, -- , I listened ad infinitum and carted him off to Camp David." Haldeman said, "(unintelligible) I deferred to him on most occasions." Rogers suggested they think it over. (pp. 36-39)

The President said that on Sunday Kleindienst and Petersen had come in and said, "Because of Haldeman and Ehrlichman -- just the fact that both of these clowns had implicated them and they ought to resign. They haven't served you well, Mr. President' and all that sort of thing." The President said, he told them he couldn't do it on un-corroborated testimony and that a moment of truth for them would be when they said they have corroborative testimony. The President' said, "Do I have to examine the damned testimony" or could he just ask them voluntarily to leave? The President said his theory, and Rogers', was that "a person in public office should have no more and no less rights than a person out of public office." Haldeman said there was a good counter argument that a person in public office has a higher obligation than a person not in public office. Rogers said he thought it was for the individual to decide. Ehrlichman said that he thought if they "turned up in this crazy information -- junk -- even though we are not charged with a crime, in the ultimate sense," he could write the President a letter saying obviously he didn't want to impair the President's situation and was going to take leave. The President said he thought that was the course of action they should take "and let them put it out if they want to that way. And if they do and if you are named you can immediately say, 'I am confident that these charges will not stand up and that I . . . and so forth' -- and 'My usefulness, of course, will be seriously impaired and I therefore request a leave until the matter is cleared up.'" The President continued, "I think we can all agree on that without an indictment. I might put a P.S. on there and say, 'I am shocked with the procedure followed and when I am reinstated I am going to see to it that the Justice Department

changes its procedures.'" Rogers said that, in effect, Dean would be doing them a greater disservice than a bonafide Grand Jury indictment, and the President agreed. Rogers said that based on what Petersen gave the President, he didn't think there was sufficient evidence. (pp. 39-42)

Rogers said, "Now how in hell can you say, 'That is obstruction of justice to turn over all the evidence to the FBI?'" Rogers suggested that Pat Gray said he was told to "deep six" the documents, and the President said, "he was not told to do that." /Emphasis in transcript/ Ehrlichman said that on the business, of telling Hunt to leave the country, nobody in the meeting remembered anything like that. Dean had called Liddy and told him to have Hunt leave the country, and Colson recalled Dean's having mentioned it to him, not in Ehrlichman's office, Ehrlichman said. It was countermanded, and he didn't leave the country, Ehrlichman continued, "so I suspect Dean may have acted unilaterally on that." The President said, "Here he is trying to pass this up to Ehrlichman, too." Ehrlichman suggested that Dean had to have an explanation for why he did it. Ehrlichman said Liddy told Hunt that his principals said for Hunt to leave, and that Hunt said Liddy named Dean as his principal. The President said, "John Dean said, 'Oh no, it's Ehrlichman?'" Ehrlichman said, "Yeah. Get into one of these 'he said', 'I said' sort of thing, it's going to be miserable. But the probabilities against the surrounding circumstances at least as of now look good." (p.43-44)

The President said, "The . . . three-fifty thing is the toughest thing, Bob, about this whole thing. Mainly, to me there's no question about it, just basically that they had knowledge that it was going to those defendants and so forth. They wanted it for that purpose. And the question is what you

thought it was. And then again they'll say they don't believe you. It'll get down to that." The President said that again they had a route to it, LaRue, who broke down and cried. (p. 45)

Rogers left the meeting. After a discussion of Wilson, the President said, "Dean's credibility is totally destroyed, you know Sure, Dean was in charge of the investigation." The President said he made that point to Ron, "'You know Dean somehow has sold out the White House, the Administration, etc.'" Haldeman said that was a good statement and a good idea; "i/t puts you exactly in the position that you should be in now." The President said, "We'll get kicked by the press on it." The President said he was always ready to give in on Ervin. As to why the President acted so late on this case, the President said the answer was that the charges were "just floating," just newspaper charges and so forth. Ehrlichman said, "They were all relying on Dean, frankly." Haldeman said that time was not of the essence in this case. "It wasn't a matter of where by moving quickly we would stop something. It was done. It was a matter now of doing it properly. Not quickly." (pp. 46-50)

The President said, concerning a leaked story in the L.A. Times that said the White House was going to move, "That probably came directly from Dean. I think Dean did that." Haldeman quoted from the story and pointed out that it didn't say White House officials bore responsibility for Watergate. "Your action now saying something substantial will develop, and then when the Mitchell bomb breaks, that's all going to fit together...." The President said, "Yeah. Yeah (unintelligible) about that -- Tell us about that ransacking and (unintelligible). It's been about two years ago. It's about not letting

(unintelligible)." Haldeman replied, "He said it was 22,000. Was the difference in money material? Can a case be made out of that? Did he keep the money or was there something about that?" The President said, "He called the same day, too, didn't he?" Haldeman said that he called the next day, within twenty-four hours. (pp. 51-52)

They discussed an ABC news story, and Haldeman said that the Post would hold up the next day and watch for something, they were playing the long game. The President then said, "I get your point, John. On the (unintelligible), I think we, I think we have sped the process up. This kind of stuff, this kind of stuff here would have had stories for three or four months." Haldeman agreed and said it was the best way compared to the Ervin process, "i/t is essential to go this way." Haldeman said they had to face the possibility of indictments and those would have come anyway. "They wouldn't have let you get away with it." The President said, "Well, I think that would happen for instance with Ervin's problem. They would be saying, 'We refer this to the Grand Jury.'" Haldeman replied, "They would have murdered us. Something would be out every minute. Demanding that you fire everybody. Demanding that you do this and that." Ehrlichman said, "Well as a matter of fact, you might have turned the set up some day and watched your White House counsel crap -- for the glorious television. It would be at least surprising." (pp. 52-54)

The President said, "Let's face it, up to this thing, Dean handled a lot of stuff well." Haldeman agreed. The President said he thought they had played the Dean thing fairly well; "I think what we ought to do -- make our deal or not with Dean within a week." He said he didn't see how Dean

could possibly miss being involved in whatever they put out on Magruder, and that the way the guy talked he thought "all of you, all of you, everybody may get it." (p. 55)

Ehrlichman said that he thought the President's statement that immunity should not be granted to any major officials would be read "as relating to Mitchell and three or four of that ilk as well." The President said, "Oh, sure." Haldeman said, "They may decide not to do this," and the President said, "That's the point." The President said, "But I have told the big five, I told the Assistant Attorney General, specifically, that nobody should be granted immunity in any case." He said Rogers agreed with this. (pp. 55-56)

The President said, "Dean is the only one who can sink Haldeman or Ehrlichman." Haldeman asked, "How am I going to explain that, after putting out a statement?" Ehrlichman said, "What do you say, 'Dean is some little clerk?' He's my Counsel." The President said he was involved in the Gray thing. "They are not going to throw the whole thing in there." The President said he was thinking whether to see Dean again and added "I don't think you can control him, he's fanatic." He told Haldeman and Ehrlichman to let him know if they felt it was useful. (pp. 57-58)

Ehrlichman said that, based on the chain of circumstances, he thought Dean might be provoked to make a public statement "which is slanderious and hostile." The President suggested that both Ehrlichman and Haldeman, and Haldeman particularly, ought to get themselves a libel lawyer, "the most vicious libel lawyer there is." He suggested they "/s/ue right down the line You may as well get at the libel thing and have yourself a little fun." (pp. 58-59)

Haldeman recommended "/o/peration procedure-wise" that they "maintain

a facade of normal operations." The President agreed, "u/nless and until something happens. Now the only exception here is Dean." The President said, "I want you to go forward and if this thing comes out which I can't believe, I want you to go forward at all costs to beat the damned rap. They'll have one hell of a time proving it. Yours is a little tougher I think Bob, and it shouldn't be -- the 300." Haldeman told the President their lawyer said the law on obstruction of justice was "damn tough, loose." Ehrlichman said that he cited Glanzer as "the leading authority on it. He uses it like a bludgeon." (pp. 60-61)

Ehrlichman said, "Well, as I said before. We beat the rap but we're damaged goods." The President responded, "Right, you can't go back in the government, but I will tell you one thing, you are not damaged goods as far as I am concerned. It's one hell of a thing. The point is that let's wait and see what happens before we see where we are." The President said that they ought to expect the worst, but that he would like both of them to consider 50% of their time for editing and so on with the Foundation, which "is going to be a hell of a big thing." "If you are indicted and tried and found innocent," the President said, "it washes away." (pp. 63-64)

The President said that he thought it was "terribly important that poor Kalmbach get through this thing." Haldeman said he thought he was alright. The President asked if Dean had called him about the money, and Haldeman said, "Yes, Sir." Ehrlichman said Dean told him that he told Kalmbach what it was for, but he didn't believe it. Ehrlichman said Kalmbach said he just followed instructions, that he just went ahead and did it and sent the money back. The President said, "You can corroborate then Herb on that one"; Ehrlichman replied, "I can if Dean is the accuser. I can." The President

said, "If Dean is the accuser, you can say that he told you on such and such a date that he did not tell Herb Kalmbach what the money was for." Ehrlichman said, "That he has told me -- that he has told me --," and the President said, "That's right - that's right." (pp. 65-66)

At the end of the meeting, Haldeman said the Foundation funding was one thing, but "there is a lot of intrigue too." He said, "I hope to get funding for the ability to clear my name and spend the rest of my life destroying what some people like Dean and Magruder have done to the President." (p. 66)